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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/09

SPONSOR HJC LAST UPDATED 03/10/09 HB 279/HJCS

SHORT TITLE ID Theft Reports and Prosecution SB \_\_\_\_\_

ANALYST Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY09 | FY10    | FY11    | 3 Year<br>Total Cost | Recurring<br>or Non-Rec | Fund<br>Affected |
|--------------|------|---------|---------|----------------------|-------------------------|------------------|
| <b>Total</b> |      | Unknown | Unknown | Unknown              | Recurring               | General<br>Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Administrative Office of the Courts (AOC)  
 Public Defender Department (PDD)  
 Corrections Department (NMCD)  
 Department of Public Safety (DPS)  
 New Mexico Sentencing Commission (NMSC)

#### No Responses Received From

Taxation and Revenue Department (TRD)

### SUMMARY

#### Synopsis of HJCS Bill

House Bill 279 would require mandatory police reports of identity theft cases on forms provided by and filed with the NMAGO. HB279 would also extend the statute of limitations for identity theft prosecutions up to five years after the violation is discovered.

It also requires the NMAGO to provide victims of identity theft with an "Identity Theft Passport" which individuals can use for official purposes. It also requires the NMAGO to create a database to store information about individuals who are issued an Identity Theft Passport and to make that information to other law enforcement agencies. HB279 also requires the NMAGO to provide materials to law enforcement and the general public on methods of preventing identity theft.

Finally, it provides a procedural mechanism for individuals to challenge and expunge inaccurate criminal records.

**FISCAL IMPLICATIONS**

The Attorney General’s Office acknowledges the significant administrative responsibilities the bill places on its office yet the bill provides no appropriation for operational costs.

**PERFORMANCE IMPLICATIONS**

This legislation allows for a Memorandum of Understanding (MOU) between the DMV and the NMAGO in order to create Identity Theft Passports and corresponding databases.

**TECHNICAL ISSUES**

Administrative Office of the Courts recommends that in Section 5.C the bill include guidance as to who may request a vacation of the determination of factual innocence, and the procedure for doing so.

EO/mt:mc