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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/09

SPONSOR Giannini LAST UPDATED \_\_\_\_\_ HB 533

SHORT TITLE Time Limits for Certain Felony Prosecutions SB \_\_\_\_\_

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

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

### SUMMARY

#### Synopsis of Bill

House Bill 533 increases the statute of limitations for all felony crimes that result in death or great bodily harm to no time limitation for prosecution.

### FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

### SIGNIFICANT ISSUES

The New Mexico Sentencing Commission states that in recent years, technological progress in genetic testing has made DNA evidence a predominant forensic technique for identifying

criminals. In the course of criminal investigations, DNA samples from crime scenes are collected, analyzed, and stored. The National Conference of State Legislatures reports that as of 2003 at least 8 states do not have a time limitation on the most serious sex offenses or have no statute of limitations ([www.ncsl.org](http://www.ncsl.org)). Law enforcement investigators are beginning to use DNA evidence in other types of crimes, i.e., property crimes.

### **PERFORMANCE IMPLICATIONS**

DPS notes that it may see a slight increase in “open/active” police investigations may be noted, as cases involving the issues addressed by this bill cannot be “closed” because of the statute of limitations.

### **POSSIBLE QUESTIONS**

**The Public Defender Department poses the following questions:**

What constitutes “great bodily harm” under this statute? Would a non-life-threatening injury suffice? What is the line between “great bodily harm” and mere “bodily harm”? Further, how closely related to the crime would the death have to be in order to be considered “resulting” from the crime – if there were an otherwise inevitable death that was accelerated by the crime, would that cause the statute of limitation to toll?

EO/svb