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FISCAL IMPACT REPORT

ORIGINAL DATE 01/18/13

SPONSOR Rodella LAST UPDATED 02/12/13 HB 57/aHBIC/aHJC

SHORT TITLE Penalties for Larceny of Cable Hardware SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		To Be Determined	To Be Determined	To Be Determined	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicate to SB 28

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Public Defender Department (PDD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 57 would reduce the penalty for telecommunication or utility cable or hardware resulting in an outage from a third degree felony to a fourth degree felony and would reduce the penalty for telecommunication or utility cable or hardware resulting in \$20 thousand or more in damage from a second degree felony to a third degree felony.

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment to House Bill 57 specifies that hardware to be covered under this legislation includes railroad signal system and clarifies that whoever commits larceny of utility cable or railroad signal system hardware that results in an outage is guilty of a 3rd degree felony regardless of the value of the stolen property.

Synopsis of Original Bill

House Bill 57 would amend §30-16-1 NMSA (Larceny), by adding the crime of committing larceny of telecommunication or utility cable or hardware. Depending on the dollar value cost of

the restoration of services following an outage caused by said larceny, the crime is categorized as a third degree (any value) or second degree (over \$20,000) felony.

FISCAL IMPLICATIONS

The AGO has stated if enacted into law, this bill could increase costs throughout the criminal justice system. It criminalizes conduct, at a felony level, which has previously been treated as a misdemeanor or even non-criminal matter. As a result, the system would see an increase in larceny cases.

SIGNIFICANT ISSUES

The AGO and AOC both noted that the bill does not make clear how to, and who should value the cost of service restoration.

NCJ/svb:bm