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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/13

SPONSOR Taylor LAST UPDATED _____ HB 269

SHORT TITLE No Time Limit for Rape Prosecution SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$31.7-158.5	\$31.7-158.5	\$62.4-317	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

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

SUMMARY

Synopsis of Bill

House Bill 269 would amend NMSA 1978, Section 30-1-8 to provide that there would be no statute of limitations for the prosecution of criminal sexual penetration charges.

FISCAL IMPLICATIONS

The fiscal impact in the table above is a range based on between one and five individuals being incarcerated in private prison facilities per year as a result of this legislation. Because the number of incidents covered under this bill is likely to be small, the PDD will likely be able to absorb any additional costs in their current operating budget. The courts and district attorneys noted, but did not quantify, an potential fiscal impact.

Because of the current provisions of Section 30-1-9.2 NMSA 1978 explained below, it is likely that the cost of this legislation will not exceed the range provided in the above table.

SIGNIFICANT ISSUES

The time period for prosecution of the crime of criminal sexual penetration, when DNA evidence is available and a suspect has not been identified, currently begins to run when a DNA profile is matched with a suspect. Section 30-1-9.2 NMSA 1978

The AGO has noted the statute of limitations exists in part to impose some sense of finality on the “chargeability” of offenses. As time elapses, crimes can become stale in terms of their ability to be effectively prosecuted or defended.

NCJ/bm