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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/18/13  
 SPONSOR Neville LAST UPDATED 02/02/13 HB \_\_\_\_\_  
 SHORT TITLE Penalties for Larceny of Cable Hardware SB 28/aSPAC  
 ANALYST Jorgensen

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		To Be Determined	To Be Determined	To B Determined	Recurring	Federal Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates House Bill 57

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AODA)

Attorney General’s Office (AGO)

Public Defender Department (PDD)

### SUMMARY

#### Synopsis of SPAC Amendment

The House Senate Public Affairs Committee amendment 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 3<sup>rd</sup> degree felony regardless of the value of the stolen property.

#### Synopsis of Original Bill

Senate Bill 28 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 stated that 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 Attorney General's Office and the Administrative Office of the Courts have both noted that the bill does not make clear how to, and who should value the cost of service restoration.

NCJ/svb:bm