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FISCAL IMPACT REPORT

ORIGINAL DATE 02/17/13
 SPONSOR Sanchez, C. LAST UPDATED 02/26/13 HB _____
 SHORT TITLE DNA Fee Collection for Interstate Offenders SB 487/aSPAC
 ANALYST Chenier

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		
	\$218.3	\$3.3	\$221.6	DNA Fund

(Parenthesis () Indicate Revenue Decreases)

Relates to SB149 DNA Administrative Center

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)
 New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 487 makes a minor grammatical change adding the word “transfers” in lieu of “is transferred” and replaces the wording “an interstate compact” with the wording “the Interstate Compact for Adult Offender Supervision”.

Synopsis of Original Bill

Senate Bill 487 would amend the DNA Identification Act allowing NMCD to collect a \$100 DNA fee from felony offenders transferred to New Mexico from another state pursuant to an interstate compact who are then incarcerated in a NMCD prison or who are then supervised on probation or parole.

FISCAL IMPLICATIONS

NMCD notes that Senate Bill 487 would have no operating budget impact on the agency since DNA fees collected must be placed in the DNA Fund and used to pay the New Mexico crime

laboratory's expenses and other reasonable expenses associated with the purposes of the DNA Identification Act pursuant to Section 29-16-13 NMSA 1978.

As a result of this bill, NMCD reports that it would be able to collect the \$100 DNA fee from approximately 83 inmates who were convicted in other states but are currently in NMCD prisons pursuant to the interstate compact and from any other inmates sent to NMCD in the future pursuant to the interstate compact. The NMCD would also be able to collect the DNA Fee from approximately 2,100 offenders convicted in other states who are currently serving probation or parole in New Mexico. The NMCD estimates that 330 covered offenders will be transferred to NMCD each year under interstate compacts which should generate approximately \$3.3 thousand in additional funding in the DNA Fund.

SIGNIFICANT ISSUES

The NMCD already collects the DNA fees from offenders convicted of New Mexico felonies, but has not been able to collect the DNA fees from interstate compact inmates and probationers and parolees transferred to the custody or control of NMCD.

Under current law a "covered offender" means any person convicted of a felony offense as an adult pursuant to state, federal, or military law or convicted as an adult pursuant to youthful offender or serious youthful offender proceedings under the Children's Code 32A-1-1 NMSA 1978 or a sex offender required to register pursuant to the provisions of the Sex Offender Registration and Notification Act 29-11A-1 NMSA 1978.

ADMINISTRATIVE IMPLICATIONS

Staff will have to collect the DNA fee from the relatively small number of offenders in New Mexico pursuant to an interstate compact. The NMCD should be able to absorb this administrative burden with no additional FTEs, especially after NMCD collects the fee from those offenders already in the state pursuant to an interstate compact. The number of new offenders sent to New Mexico for incarceration or probation/parole supervision each year is relatively small.

EC/blm