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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/13  
 SPONSOR Burt LAST UPDATED 02/28/13 HB \_\_\_\_\_  
 SHORT TITLE False Reports of Weapons & Threats SB 520/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>	NFI	NFI	NFI	NFI		

(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)  
 New Mexico Corrections Department (NMCD)  
 New Mexico Sentencing Commission (NMSC)

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 520 strikes the requirement that to be prosecuted under the Act, an individual must “knowingly” convey a false report to law enforcement or a fire department and replaces it with a requirement that an individual conveys a report to law enforcement or fire department that “the person knows to be false”. The amendment also clarifies that to be covered under the Act, an individual must *intentionally* set off a fire alarm without cause.

#### Synopsis of Original Bill

Senate Bill 520 (SB 520) amends Section 30-7-21 NMSA 1978, governing the crime of False Report, to include false reports related to weapons, firearms or threats of violence within the statute’s list of prohibited false reports. The amendment includes a false report concerning the *use* of explosives, weapons, firearms, explosive or incendiary devices or any other destructive substance within the prohibition, in addition to a false report regarding placement. SB 520 also clarifies that a false report includes setting off a fire alarm without cause. False report is a

misdemeanor crime. False report that causes death or great bodily harm carries a fourth degree felony penalty.

The effective date of the Act is July 1, 2013.

### **FISCAL IMPLICATIONS**

It seems likely that at most only a small number of individuals would be convicted of this expanded crime. Further, this crime only constitutes a fourth degree felony if the false report causes death or great bodily harm to another person. Otherwise, it only constitutes a misdemeanor. The NMCD does not normally incarcerate misdemeanor offenders, and most misdemeanor offenders are also not supervised by the NMCD on probation supervision. Misdemeanor offenders also serve no parole term. Therefore, the bill appears to have no or only a minimal impact on the NMCD's prison population and probation caseloads.

### **SIGNIFICANT ISSUES**

The AOC notes that the SB 520 amendment to Section 30-7-21 NMSA 1978 refers to "weapons" rather than "deadly weapons." Perhaps SB 520 would benefit from using the term "deadly weapons" as that term is specifically defined as used in the Criminal Code. The definition includes any firearm, whether loaded or unloaded.

Section 30-1-12(B) NMSA 1978 defines "deadly weapon" to mean

any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed canes, also slingshots, slung shots, bludgeons; or any other weapons with which dangerous wounds can be inflicted.

NCJ/svb