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FISCAL IMPACT REPORT

SPONSOR Fajardo ORIGINAL DATE 02/08/14
LAST UPDATED _____ HB 353
SHORT TITLE Solicitation of Children Into Street Gangs SB _____
ANALYST Klundt

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
Administrative Office of the Courts (AOC)
Department of Public Safety (DPS)
Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

House Bill 353 makes it a delinquent offense for anyone between the ages of 13 and 17 years to recruit or coerce a child into a street gang. A person who is convicted of this offense would be guilty of a third or fourth degree felony, depending on their age. The bill provides definitions for both "child" and "criminal street gang".

FISCAL IMPLICATIONS

The Administrative Office of the Courts (AOC) reports that there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

The Department of Public Safety (DPS) reports that the Department’s law enforcement entities currently enforce state laws as they apply to solicitation of any kind. Thus, the new proposed crime would fall within the conceptual framework regarding the Department’s enforcement of solicitation and therefore would have little fiscal implications.

SIGNIFICANT ISSUES

CYFD reported that it is unlikely that this bill will result in a significant rise in referrals to juvenile probation, as, outside of the specific new delinquent offense of solicitation, all other activities described in the bill (e.g., threatening others with physical violence, conspiring to commit one or more offenses as described in the Criminal Code) can already be grounds for referral. However, codifying this new offense will assist intervention and prevention work that supports getting children away from gang culture and related interactions by specifically identifying at-risk youth and promoting data collection which will allow for better geographic targeting of services.

However, the AODA reports that this new crime’s challenges will be proving the necessary intents and determining what is meant by “actively participate”, as well as in keeping witnesses on board for prosecution. There currently exists the means to prosecute for many types of criminal solicitation of actual criminal activity, as well as the offenses of contributing to the delinquency of minor and accessory crimes, each of which may cover some of the situations sought to be proscribed by this bill. The AODA believes that those avenues appear much more straightforward than the more cumbersome type of proof than this bill would require.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

The AOC reports that, sorting through cases and attempting to work with children and their concerned families to develop appropriate cases may well take substantial time and hence impact the case loads of prosecutors and investigators, at a financial cost to their office.

KK/jl