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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/15

SPONSOR Hall LAST UPDATED _____ HB 97

SHORT TITLE Restrict Certain Hunting Draws to Non-Felons SB _____

ANALYST Elkins

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$450.0	\$450.0	\$900.0	Recurring	Game Protection Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

House Bill 97 restricts hunting draws, except for bow hunt draws, to non-felons.

FISCAL IMPLICATIONS

DGF issued approximately 55,000 draw hunt licenses in 2014. According to the department, an officer can run three background checks per hour and the average hourly salary for an officer is \$22. The cost associated with officers running the background checks would be \$403 thousand. Running the background checks through a private criminal database provider would cost about \$10 thousand dollars and the IT division estimates additional costs associated with processing the information.

SIGNIFICANT ISSUES

DGF offers the following commentary:

An issue with the bill is if a state agency should run the criminal history of each license applicant when no crime or suspicion of a crime has been committed. The Department of Public Safety serves as the Control Terminal Agency (CTA) and is responsible for the enforcement of system security with regard to all New Mexico Law Enforcement Telecommunications System (NMLETS) users. Criminal history information accessed through NMLETS is considered confidential criminal justice information. It is the responsibility of the NMLETS terminal agency to ensure that this information is secure from the public view or access and is not disseminated outside the law enforcement and criminal justice community. All information requested must be of a criminal justice nature and for official investigative or criminal justice employment purposes. To run the background checks through a private criminal database provider, DGF may have to require full social security numbers from draw hunt applicants. Currently, DGF only requires the last four digits of an applicant's social security number to comply with the Parental Responsibility Act.

Records created pursuant to this bill could be subject to the Inspection of Public Records Act (IPRA) because each criminal background check is being created for the purpose of issuing a hunting license. There is not a general exception under IPRA for records created as a result of background checks conducted for the purpose of issuing hunting licenses.

Rifle hunts are actually any legal sporting arm hunts, which means center fire firearms, muzzle loader firearms, and archery equipment are all legal. Currently, there are people who have been convicted of a felony that apply for these hunts and legally hunt with archery equipment.

Conservation Officers do not have direct authority over a felon in possession of a firearm violation. If our officers discover such a violation, we work directly with the district attorney's office, state police, or local sheriff departments to prosecute such cases.

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