

Synopsis of Bill

SB 510 would amend Section 31-22-8 NMSA 1978 within the Crime Victims Reparation Act (“CVRA”), to expand the list of crimes to which the CVRA applies and for which reparation to victims may be made including stalking, assault against a household member, and battery against a household member. The bill also removes the crimes of aggravated arson and aggravated stalking from the list, requires the currently included crime of dangerous use of explosives to result in bodily harm.

The bill also amends Section 31-22-14 NMSA 1978 to permit the Crime Victims Reparation Commission to extend the time for filing an application for reparation for good cause shown by a claimant or a victim. Section 3 of the bill creates a mandatory crime victims reparation fee, to be assessed based on the following schedule:

- (1) Felony conviction = \$75.00 fee
- (2) Misdemeanor = \$50.00 fee

SB 510 requires these fees to be deposited in the Crime Victims Reparation Fund.

FISCAL IMPLICATIONS

The penalty assessment would enable CVRC to be less dependent on general fund appropriations and to provide stable financial compensation for victims. We anticipate a yearly amount of approximately \$500 thousand due to the elimination of the petty misdemeanors and traffic violations. With regard to the time waiver, we do not anticipate a significant financial impact to CVRC.

A provision in the Affordable Care Act requires CVRC to pay more Native American reparations than before, resulting in higher expenditure requirements. Subsequently, the commission reduced victim payments to providers from 75 percent to 65 percent and the commission will request a supplemental appropriation for FY15 to bring provider payments back to the 75 percent level.

In FY14 CVRC paid about \$1.2 million in victim compensation and in FY16 requested \$1.9 million for victim compensation. The provisions in this bill would more than offset recent increases for victim compensation.

SIGNIFICANT ISSUES

PDD provided the following:

The bill adds another fee to list of fees already attached to sentences. While making whole the victims of crimes is a laudable goal, this method of funding is problematic. There are already a large number of non-waivable fees attached to such convictions; adding yet another fee is going to increase non-payment problems. Non-payment of fees by indigents commonly leads to warrants and county jail time, which require the involvement of county, courts, LOPD, police and DA resources to resolve.

CVRC provided the following:

CVRC has experienced a negative impact due to vacillating amounts of State appropriations in the past several years. This has caused a disservice to victims who are

trying to overcome the trauma caused by violent crime. CVRC has reduced victim service provider payments from 100% to 50% to 75% and currently 65%. This has caused a great deal of confusion with victims, victim advocates and victim service providers. Presently, victims are responsible for the remaining balance not covered by CVRC causing additional hardships. The request for penalty assessment is to be less dependent on State appropriations and to provide stable financial compensation for victims. This funding would come directly from convicted offenders and not tax payer dollars.

EC/je/bb/aml