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FISCAL IMPACT REPORT

SPONSOR Candelaria ORIGINAL DATE 3/4/15 HB _____
LAST UPDATED _____
SHORT TITLE Bail Bond Forfeiture SB 671
ANALYST A. Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	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)

SUMMARY

Synopsis of Bill

Senate Bill 671 proposes to amend Section 31-3-2 NMSA 1978 by adding a new subsection, which requires a court to entirely exonerate a bond once the surety presents the defendant to the court for hearing or to the detention center for booking.

FISCAL IMPLICATIONS

AOC reports that there will be an unknown increase in hearings, as judges will be required to exonerate the bond at the time the surety (or his agent) surrenders the defendant to the court or detention center. Judges will be required to hold new bond hearings. The increase in the number of hearings and the resulting fiscal implications are unknown.

SIGNIFICANT ISSUES

According to AOC, SB 671 does not allow for judicial discretion in exoneration of the bond. If a defendant is summonsed in for a hearing and fails to appear, and the surety brings the defendant in, the court has no choice but to completely exonerate the bond. This is the court's only choice even though the defendant has failed to appear. Because the court would be required to exonerate the bond, and the court is by definition dealing with someone who failed to appear and perhaps even attempted to flee, the court is left with two choices. The court must presumably

either let the defendant proceed from that point on his or her own recognizance, or require an entirely new bond (and thus a second, nonrefundable bond fee) on the defendant.

PERFORMANCE IMPLICATIONS

This bill may impact the courts' performance based budgeting measures, which may result in a need for additional resources. For example, if judges are required to exonerate bond, then new bond hearings must be held so that the defendant does not remain incarcerated pending the outcome of the charges. This will lead to an increased demand for judge and clerk time.

ADMINISTRATIVE IMPLICATIONS

According to AOC, the proceedings identified in this bill will have to take precedence over other matters before the court, as they will require expedited decisions. This will have an administrative impact on the courts as a result of additional case priority given to these cases and an increase in caseload and/or in the amount of time necessary to dispose of this case type. In addition, requiring second bonds will require the staff to code and enter a second transaction on the same case.

RELATIONSHIP

Relates to SB505 (Full Amount of Bail by Bondsmen); HB483 and SB557 (Release on Own Recognizance for Some Crimes);

ABS/bb/je