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FISCAL IMPACT REPORT

Gallegos, DM/
 Sweetser/
SPONSOR Scott/Wooley /Rehm **ORIGINAL DATE** 2/14/2017
LAST UPDATED 2/28/2017 **HB** 321/aHJC/ec

SHORT TITLE Acting Sheriffs During Vacancies **SB** _____

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 22, SB 317, and SJR 4.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (OAG)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 321 adds qualified under-sheriffs as eligible to exercise the powers of sheriff until a new sheriff is appointed and qualified. The term “qualified under-sheriff” is not defined.

Synopsis of Bill

House Bill 321 seeks to amend 4-41-9 NMSA 1978 with the addition of language that allows the highest ranking deputy sheriff in a department the ability to exercise the powers of the sheriff when there is a vacancy in the office of the sheriff until a sheriff is appointed and qualified.

The bill contains an emergency clause.

FISCAL IMPLICATIONS

This bill will impose no fiscal impact.

SIGNIFICANT ISSUES

HB 321 will allow the highest ranking deputy sheriff to fulfill the office when there is a vacancy until a sheriff is appointed. The SJC amendment also allows a qualified under-shieriff to fill the role.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to SB 22, SB 317, and SJR 4. OAG states “if any of the new bills proposed pass, there will be minimum qualifications for sheriffs in the state. Therefore, under HB 321, the ‘highest-ranking deputy sheriff’ should be required to meet the minimum qualifications for becoming a sheriff, and not simply be the ‘highest-ranking deputy.’”

TECHNICAL ISSUES

The OAG points out Section 4-41-5 NMSA 1978 “uses the term ‘under-sheriff.’ It may be prudent to define or distinguish an ‘under-sheriff’ from the ‘highest ranking deputy sheriff.’ If the under-sheriff is the highest ranking deputy sheriff, then to stay consistent, HB 321 should read to allow the under-sheriff to exercise the powers of the Sheriff.”

TR/jle/al