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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/18

SPONSOR Maestas/Martinez **LAST UPDATED** _____ **HB** 308

SHORT TITLE Sex Offender Court Review Notices **SB** _____

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal to None	Minimal to None			

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB281 and HB300

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 New Mexico Attorney General’s Office (NMAG)

SUMMARY

Synopsis of Bill

House Bill 305 proposes to amend Section 31-20-5.2 NMSA 1978 to require

- the New Mexico Corrections Department to notify the appropriate district attorney, the offender’s counsel of record before the end of the initial five years;
- the district attorney to petition the district court for a hearing to review the necessity to extend the supervised probation before the initial five years, or consider the terms and conditions of supervised probation prior to the two and one-half year intervals;
- the district court to review the terms and conditions of a sex offender still on supervised probation after five years at the end of each two and one-half year intervals.

SIGNIFICANT ISSUES

According to the Administrative Office of the Courts (AOC), HB308 provides a clearly defined and practical mechanism to ensure these hearings occur over the entire course of a sex offender’s period of probation. The New Mexico Corrections Department (NMCD) is responsible for sex offenders’ post-conviction phases, and NMCD is the only entity with the ability to accurately

determine when these two and one-half year interval review hearings are to occur. Requiring NMCD to notify the district attorney's office, and subsequently the district attorney to petition the court for a review hearing, tracks the systematic notification process provided for probation violations.

The New Mexico Attorney General's Office (NMAG) agrees that the bill provides a process for taking action, but points out that the bill does not provide any remedy should any of the parties not meet the reporting requirements which may lead to premature termination of supervised probation.

The Administrative Office of the District Attorneys (AODA) believes this bill clarifies provisions in Section 31-20-5.2, and lowers the burden of proof prosecutors must meet to show that the offender should remain on supervised probation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to
HB 281 Sex Offense Permanent No Contact Orders
HB 300 Sex Offender No Contact Orders

ABS/al