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SENATE BILL 81

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Bill B. O'Neill and Sheryl Williams Stapleton

AN ACT

RELATING TO CRIME; REQUIRING THE NEW MEXICO SENTENCING
COMMISSION TO EVALUATE THE RACIAL IMPACT OF CERTAIN PROPOSED
LEGISLATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 9-3-10.3 NMSA 1978 (being Laws 2019,
Chapter 211, Section 16) is amended to read:

"9-3-10.3. LEGISLATION TO INCREASE, DECREASE OR CREATE
PERIODS OF IMPRISONMENT--FISCAL IMPACT STATEMENTS--PROCEDURE.--

A. The New Mexico sentencing commission shall
prepare a fiscal impact statement as provided in this section
for a bill that:

(1) creates a new crime or repeals an existing
crime for which imprisonment is authorized;

(2) increases or decreases the period of

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1 imprisonment authorized for an existing crime;

2 (3) imposes or removes mandatory minimum terms
3 of imprisonment; or

4 (4) modifies the law governing release of
5 inmates in such a way that the time served in prison will
6 increase or decrease.

7 B. A fiscal impact statement shall reflect the
8 estimated change in annual operating costs for the corrections
9 department attributable to the bill if it becomes law. The
10 estimated change in annual operating costs shall reflect the
11 largest annual change from the projected change for the six
12 fiscal years following the effective date of the law and shall
13 be calculated in current dollars. The fiscal impact statement
14 shall include details concerning any:

15 (1) increase or decrease in the inmate
16 population; and

17 (2) racial impact of the proposed legislation,
18 including:

19 (a) information regarding any unique or
20 disproportionate impact on any race, gender or sexual
21 orientation of persons in the state;

22 (b) statistical analysis of the
23 projected impact of the proposed legislation on any race,
24 gender or sexual orientation of persons in the state;

25 (c) any unintended consequences of the

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1 proposed legislation that would impact any race, gender or
2 sexual orientation of persons in the state;

3 (d) the impact of the proposed
4 legislation on correctional facilities and services for any
5 race, gender or sexual orientation of persons in the state;

6 (e) the impact on recidivism rates for
7 any race, gender or sexual orientation of persons in the state;
8 and

9 (f) information regarding any unique or
10 disproportionate impact and statistical analysis of the
11 projected impact of the proposed legislation on each judicial
12 district in the state.

13 C. If the New Mexico sentencing commission does not
14 have sufficient information to project the fiscal impact, the
15 fiscal impact statement shall state that there is insufficient
16 information to estimate the fiscal impact.

17 D. The corrections department shall annually
18 provide the New Mexico sentencing commission with:

19 (1) the average operating costs per inmate and
20 the number of inmates in adult correctional facilities; and

21 (2) admissions and release data for all
22 inmates in adult correctional facilities.

23 E. The judiciary shall annually provide the New
24 Mexico sentencing commission with requested data necessary to
25 prepare fiscal impact statements.

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F. As used in this section, "operating costs" means all costs other than capital outlay costs for state-operated adult correctional facilities and privately operated adult correctional facilities."