

LFC Requester:

**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** March 5, 2019
Original **Amendment** **Bill No:** HB342sa
Correction **Substitute**

Sponsor: Public Affairs Committee amendment to House Judiciary Committee Substitute **Agency Name and Code Number:** Administrative Office of the District Attorneys (AODA) 364
Short Title: Criminal Justice Reforms **Person Writing:** Gail MacQuesten
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	Minimal	Minimal	Minimal	Nonrecurring	general

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB207s; HB533; HB356
Duplicates/Relates to Appropriation in the General Appropriation Act: none found

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB342sa is the Public Affairs Committee amendment to the House Judiciary Committee Substitute for HB342. It amends some provisions in the substitute bill, and adds new sections.

HB342sa amends the title of the bill to include reference to the content of the new sections: “Establishing the Right of Crime Victims to Receive Notice; Amending Certain Procedures in the Crime Victims Reparation Act.”

HB342sa also amends paragraph D of Section 8 of the substitute bill, regarding the reporting of an act or omission constituting a crime by a person seeking restitution. Under the amendment, if the victim is reporting the act or omission to someone other than the police, it must be to a licensed medical, mental health or counseling provider, or tribal health provider.

HB342sa adds a new Section 9, which amends Section 31-22-14 NMSA 1978 of the Crime Victims Reparation Act to remove the time limits for victims to report a crime.

HB342sa adds a new Section 10, which amends Section 31-26-4 NMSA 1978, regarding victim’s rights, to add that a victim has the right to be notified by the district attorney of the availability of and procedures to apply for crime victims reparation.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

HB342sa will require the district attorneys to provide additional notice to victims regarding the availability of crime victim’s reparation and eligibility to apply, so there will be some minimal cost for the district attorneys to change their victim notices.

HB342sa expands eligibility for crime victim’s reparations, but does not include an appropriation to cover the increased costs.

SIGNIFICANT ISSUES

HB3432sa incorporates some, but not all, of the changes proposed in HB533, Notice of Crime Victim Reparations & Procedure.

HB342sa clarifies the provision regarding reporting to specify that the provider to which the reporting is made must be a licensed provider. It adds that the provider may be a counseling provider or a tribal health provider. (This language is consistent with the language proposed in HB533, Notice of Crime Victim Reparations & Procedure.)

New Section 9 makes the same amendments to Section 31-22-14 NMSA 1978 made by HB533, to remove the requirement that the crime be reported to the police within 30 days after its occurrence, and to remove the reporting time limits for minor victims of abandonment or abuse, criminal sexual penetration and criminal sexual contact.

New Section 10 makes the same amendment to Section 31-26-4 NMSA 1978 made by HB533, to add that a victim has the right to be notified by the district attorney of the availability of and procedures to apply for crime victim's reparation. HB342sa does not, however, make the other amendments proposed by HB533 that spell out in detail the nature of the notice required.

HB342sa contains no appropriation to cover the costs of additional victims seeking reparations; HB533 appropriates \$550,000 for that purpose.

PERFORMANCE IMPLICATIONS

Although Section 31-26-9 NMSA 1978 sets out the notice a district attorney must provide to a victim, that section as currently written does not require the district attorney to provide written notice regarding the availability of and procedures to apply for crime victims reparation. Because HB342sa provides that a victim has a right to such notice, the district attorneys will need to add that information despite the fact that it does not appear in Section 31-26-9.

ADMINISTRATIVE IMPLICATIONS

See Performance Implications, above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

As discussed above, HB533, Notice of Crime Victim Reparation & Procedure, covers much of the material covered in HB342sa, but also goes into more detail.

HB207s, also titled Criminal Justice Reforms, for the most part addresses different issues. However, it would appropriate \$260,000 to the administrative office of the district attorneys to replace the loss of fees from pre-prosecution diversion programs.

HB356 repeals Section 30-31-25.1 NMSA 1978, which sets out crimes associated with drug paraphernalia. (HB342s refers to that statute in Section 3, relating to overdose prevention).

TECHNICAL ISSUES

As discussed above, HB342sa gives victims the right to receive information from the district attorney regarding victim's reparation, but does not change the statute regarding the information

a district attorney is required to provide a victim to reflect that right.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.