

LFC Requester:

**AGENCY BILL ANALYSIS
2020 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:
Original **Amendment**
Correction **Substitute**

Date January 31, 2020
Bill No: SB 208-264

Sponsor: Clemente Sanchez
Short Title: False Report of Domestic Violence

Agency Name and Code Number: Administrative office of the District Attorneys 264
Person Writing: Donald Gallegos
Phone: 575-770-3120 **Email:** dgallegos@questalaw.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY20 | FY21 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY20 | FY21 | FY22 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY20 | FY21 | FY22 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 208 creates a crime for those situations when a person makes a false report of domestic violence in order to gain monetary or property incentives, as leverage in child custody hearings, to procure a restraining order or with the intent of withholding information that would exonerate the individual accused of committing domestic violence. A conviction for making a false report of domestic violence, is a fourth degree felony.

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.

New crimes may mean more resources for District Attorney offices as well as other agencies in the criminal justice system.

SIGNIFICANT ISSUES

1. There are occasions where a household member, as defined in the domestic violence statutes, will make a false report of domestic violence against another household member. Many times there is a civil action for divorce, child custody and/or property division. A false report made in these cases, is a burden on law enforcement, district attorneys, public defenders and courts and the only recourse presently is charging a person with a misdemeanor.
2. Enactment of this law could have a deterrent effect on persons who are considering making false reports of domestic violence.
3. It will still be a misdemeanor, pursuant to §30-39-1, for a person to make a false report in all non-domestic violence cases.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

A correction should be made on page 1, line 24 by deleting the following language: “told the statement.”

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Making a false report of domestic violence will still be chargeable as a misdemeanor.

AMENDMENTS