

SB263

**nmSAFE**

Making New Mexico safe for all children & families

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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Sen. Joseph Cervantes

**SHORT TITLE:** Sentencing Law Fiscal Impact Reports and Fund

**SYNOPSIS OF BILL:** Requires the New Mexico Sentencing Commission to generate fiscal impact statements for any legislative proposal that increases, decreases or creates criminal penalties. Requires that an appropriation be made when such a law increases costs to the New Mexico Corrections Department. Creates a fund to finance laws that increase criminal penalties.

**STRENGTHS:** This is one of the smartest criminal justice reform proposals to be introduced during the 2017 legislative session. The legislative debate around crime is so politicized and emotional that clear-headed conversations around the fiscal impact of criminal sentencing bills is usually avoided or minimized. SB263 would cut through the political bluster by requiring policy makers to think through the best way to spend limited tax dollars on increasing public safety. If SB263 became law, it would foster a grounded conversation about the true impacts of new sentencing proposals, elevating the public dialogue around crime so that New Mexico policymakers can focus their full attention on finding effective, financially responsible ways to increase public safety in our communities. Dollars saved on over-politicized criminal sentencing bills could be redirected into programs that will actually make kids, families, police officers and New Mexico communities in general safer.

**WEAKNESSES:** Ideally, the fiscal impact statements required by SB263 would also analyze the fiscal impact of increased criminal penalties on the courts, prosecutors and public defenders. However, it should be noted that the fund created by SB 263 would be accessible by those entities.

**ADDITIONAL INFO:** The New Mexico Sentencing Commission could have additional expenses and human resources needs related to generating the fiscal impact statements in the first place. One improvement to the bill might be to allow the Criminal Justice Special Fund that the bill would create to fund these additional costs.

<b><u>S</u>afer</b>	<b><u>A</u>political</b>	<b><u>F</u>iscally-Responsible</b>	<b><u>E</u>vidence Based</b>	<b>Grade</b>
<p>Increased penalties and incarceration have not had the intended effect of decreasing crime. SB263 will encourage legislators to fund evidence-based alternatives to incarceration that actually make New Mexicans safer.</p>	<p>SB263 would cut through the political bluster by requiring legislators to think through the best way to spend limited tax dollars on increasing public safety.</p>	<p>The New Mexico Sentencing Commission would be required to generate fiscal impact statements for all bills that would increase, decrease or create criminal penalties.</p>	<p>By fostering an honest conversation around the true costs of our criminal justice system, SB263 will encourage policy makers to opt for solutions grounded in evidence.</p>	<p><b>A</b></p>