

FISCAL IMPACT REPORT**General Information:**(Check) Bill: X Resolution: _____Short Title(s): Drug Paraphernalia AmendmentsSponsor(s): Councilor RiveraReviewing Department(s): City Attorney's OfficeStaff Completing FIR: Kyle Hibner Date: 10/15/20 Phone: 955-5195Reviewed by City Attorney:  Date: Nov 6, 2020Reviewed by Finance Director:  Date: Nov 9, 2020**Summary:**

The Bill amends Section 16-15.2 to remove the classification of possession, delivery, or manufacture of drug paraphernalia as a petty misdemeanor and sets the penalty assessment at \$50. The changes to this Section align with State statute, NMSA 1978, Section 30-31-25.1.

Departments Affected:Police Department, Municipal Court, City Attorney's Office.**Consequences of Not Enacting Legislation:**Violators of this Section would still face possible jail time, and City Code would differ from State Statute.**Conflict, Duplication, Companionship, or Relationship to Other Legislation:**None identified. The changes in the Bill align City Code with State Statute (NMSA 1978, Section 30-31-25.1)**Performance and Administrative Implications:**

The Bill would make a charge an officer prosecution, reducing the caseload for the City Prosecutor. Officers could potentially have more work because they would take responsibility for prosecuting the case. There would be no possibility of jail time, altering how the court would sentence offenders. Offenders would not be eligible for the public defender based on this charge alone, so the change may affect the caseload for the public defender as well.

Fiscal Implications:

Between 2018 and 2019 there were 127 citations for "possession, delivery, or manufacture of drug paraphernalia," totaling 1,928 in assessed fines, averaging \$15 per citation. Often defendants were given a suspended sentence with no fine. The Bill sets the fine at \$50, rather than the current range of \$50-\$100. Because the classification as a petty misdemeanor is being removed, the Municipal Judge is more likely to assess the full amount of the fine. The calculated difference between current penalty assessments and the proposed assessments is \$2211 per year, assuming the full \$50 is assessed.

Fiscal Impact Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Capital Outlay	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Contractual/ Professional Services	\$ _____	\$ _____	\$ _____		_____	_____	
Operating	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
Total:	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.


Expenditure Narrative:

Revenue

Revenue Type	FYE 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$2211	\$2211	\$2211	R	_____
Total	\$2211	\$2211	\$2211		

Revenue Narrative:

Adoption of the Bill is expected to increase penalty assessment revenue by approximately \$2211 per year.

Signature:  _____

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