

LFC Requester:	Marty Daly
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**AGENCY BILL ANALYSIS
2016 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 February 12, 2016
Bill No: HB50

Sponsor: Representative Conrad James **Agency Code:** 305
Short Termination of Rights **Person Writing** Jennifer Salazar, AAG
Title: For Certain Parents **Phone:** 827-6990 **Email** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

Synopsis:

The House Judiciary Committee’s amendment to House Bill 50 makes minor wording changes to the original bill. Most significantly, the amendment requires a court to determine, “by clear and convincing evidence,” that the child was conceived as a result of a criminal sexual penetration.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None. The requirement that a petitioner prove, by clear and convincing evidence, that the child was conceived as a result of criminal sexual penetration prior to the termination of the noncustodial parent’s parental rights, aligns with the determination made by New Mexico courts that “[t]ermination of parental rights is not a matter to be lightly taken.” Termination of Parental Rights of Reuben & Elizabeth O. v. Dep’t of Human Servs., 1986-NMCA-031, ¶ 36, 104 N.M. 644, 725 P.2d 844.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A