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FISCAL IMPACT REPORT

SPONSOR: S.	JC	DATE TYPED:	02/08/01	НВ	
SHORT TITLE: Female Inmate Reentry Drug Court Program			SB	200/SJCS	
	ANALYST:				Trujillo

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring	Fund
FY01	FY02	FY01	FY02	or Non-Rec	Affected
		See Narrative		Recurring	GF
			_	_	_

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
Corrections Department (CD)
Children Youth and Families Department (CYFD)
Administrative Office of the Courts (AOC)
NM Public Defender

SUMMARY

Synopsis of Bill

SB200/SJCS creates a program for inmates who were sentenced to prison for a non-violent drug-related offense. The bill would allow them to be released from prison when they are within eighteen months of release to participate in a drug court program. The bill requires the CD to develop further criteria regarding eligibility for the program.

SB200/SJCS allows the CD to petition a District Court that operates a re-entry drug court program to accept jurisdiction of the inmate to place in the program and, thereafter, to retain jurisdiction pursuant to the terms of the inmate's judgment and sentence. The bill further provides that if a District Court other than the one that accepts the inmate into the program has jurisdiction over the inmate, that District Court shall transfer jurisdiction to the Court that accepted the inmate into the program.

Finally, the SB200/SJCS provides that it is not to be interpreted to limit the statutory authority of the Department's Probation and Parole Division pursuant to the provisions of the Probation and Parole Act. The effective date would be July 1, 2001.

Significant Issues

Senate Bill 200/SJCS -- Page 2

According to CD on the original analysis of SB200 which affected only female inmates, SB200 could slightly decrease costs to the Department and conserve prison bed space in the women's prison by reducing the prison population utilizing the "Re-Entry Court" mechanism. Responsibility for effective public safety supervision of these offenders would be shared by the "re-entry court" and the Probation and Parole Division. On the other hand, the bill would increase the administrative burden on Department staff that would be required to develop the criteria for the program, screen inmates, petition the District Court to accept the inmate, and perhaps supervise the inmate in the drug court program.

The bill does not specify whether the "within eighteen months of release" is intended to be with projected "good time" credits. This issue is important because most drug programs are between six (6) months to one (1) year in length.

AOC reports there are currently six (6) adult drug courts throughout New Mexico. To date, New Mexico does not have a re-entry court in any district. There are programmatic components specific to a female-oriented re-entry court that are not provided in a standard adult drug court: basic parenting skills, vocational training, GED preparation, life skills training (money management and/or personal finance), and specific therapies like behavioral and cognitive therapies. If an adult drug court were to accept inmates into their program, the court would need additional time and money to develop the above-stated program components. If a re-entry court were to begin anew, the district court would need six to eight months of planning time to do so. Based on the New Mexico Standard Costs for Drug Courts, an adult drug court, in the first year of operation, requires a budget of \$175,000 and is capped to 30 clients. A reentry court would likely require a larger budget due to the rigors of the program.

PERFORMANCE IMPLICATIONS

The bill could have a positive impact upon the Department's prison program by providing another alternative to incarceration of inmates and by creating a mechanism that can be used to control prison population to a limited extent. It could also discourage institutional misconduct by inmates who wish to apply for the program.

The bill does not include performance measures including output, outcome, efficiency and quality measures.

FISCAL IMPLICATIONS

Many of the inmates who participate in drug court programs will be supervised by Department probation and parole officers, which will increase caseloads and the costs to the Probation and Parole Division. Since the cost of incarceration exceeds the cost of probationary supervision, on balance the bill should result in an overall cost decrease to the Department.

ADMINISTRATIVE IMPLICATIONS

CD reports in the short-term, the bill will increase the administrative burden upon Department personnel required to develop the criteria for eligibility for the program. In both the short-term and long-term, it will increase the burden upon staff that is required to screen applicants and petition the District Court. The bill will also increase the administrative burden upon those Department Probation and Parole Officers who would be required to supervise these participants in the drug court program.

The bill could require additional FTE since the program is intensive and parolees require a greater degree of supervision upon release.

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AOC reports there will be an administrative impact on the courts - especially on judge's and court administrative/fiscal time - as the result of an increase in caseload and/or and general programmatic needs.

OTHER SUBSTANTIVE ISSUES

CD reports the department operates some drug court programs in the state. Each program has a matrix (limitation on the number of program participants) as follows: Albuquerque - 180; Farmington - 25; Espanola - 15. SB200 could result in the need to increase the matrix funding.

LAT/njw:prr