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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/02/09

SPONSOR King LAST UPDATED \_\_\_\_\_ HB 482

SHORT TITLE Torrance County Drug Court SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
\$0.0	\$100.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 8, Drug Court Expansion and Creation.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	\$0.0	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

House Bill 482 appropriates \$100,000 from the general fund to the seventh judicial district court for the drug court in Torrance County. Any unexpended or unencumbered amount remaining at the end of FY 2010 will revert to the general fund.

### FISCAL IMPLICATIONS

This appropriation is recurring and increases the operating budget of the seventh judicial district court. There is an Adult Drug Court in Estancia in Torrance County, and presumably this appropriation would be used to expand the capacity and/or enhance the services of that program.

According to the AOC, the drug court program's performance measures show that the drug court programs are good stewards of the taxpayers' money. Cost-per-client-per-day for drug courts is significantly lower than the costs of incarceration, averaging \$24.75 in FY08 versus the average cost of incarceration of \$85.59. Though quantifying the exact savings of drug courts in New Mexico in criminal justice and victimization costs is difficult, a recent study by the Washington State Institute for Public Policy (WSIPP) provides some helpful points of comparison. It was commissioned by that state's legislature to identify alternative options to incarceration that could (a) reduce the future need for prison beds, (b) save money for state and local taxpayers, and (c) contribute to lower crime rates. WSIPP found and analyzed 571 rigorous comparison-group evaluations of adult corrections, juvenile corrections, and prevention programs. Among other findings, WSIPP determined that both adult and juvenile drug courts provided significant reductions in recidivism over treatment as usual, and even more importantly determined that each could lead to overall costs savings of over \$4600 per participant.

### **SIGNIFICANT ISSUES**

National studies have shown that 60 to 80 percent of prison and jail inmates, parolees, probationers, and arrestees are under the influence of drugs or alcohol during the commission of their offense, committed the offense to support a drug addiction, were charged with a drug- or alcohol-related crime, or are regular substance abusers.

Incarceration on its own has not resolved the problem, as within 3 years of release from prison, approximately 2/3 of all offenders, including drug offenders, are rearrested for a new offense; 1/2 are convicted of a new crime; and 1/2 are re-incarcerated for a new crime or parole violation.

Court-mandated treatment on its own is also insufficient as approximately 70% of probationers and parolees drop out of drug treatment or attend irregularly prior to a 3-month threshold, and 90% drop out prior to 12 months. These thresholds are significant as an evaluation of the Drug Abuse Treatment Outcome Study suggests that 3 months of drug treatment may be a minimum for detecting response effects of the intervention, while 6 to 12 months hold greater promise of a lasting reduction in drug use.

According to the AOC, by combining treatment with the coercive power of the judiciary, the drug court model has repeatedly shown through national studies that it outperforms virtually all other intervention strategies for drug involved offenders: recidivism of drug court graduates is much less than for similar offenders, the cost-per-client of drug court participants is significantly less than that for incarceration, and even those who do not successfully complete a program have a greater chance of long-term success due to the longer period of treatment received during their involvement in a drug court program.

Because of the success of its drug court programs, the New Mexico Judiciary continues working with communities around the state to maintain existing programs as well as establish new drug court programs. In January 2006, The New Mexico Supreme Court approved a 5-Year Plan for Growth of New Mexico Drug Courts (available at [www.nmadcp.org](http://www.nmadcp.org)). That plan has two main goals: (1) to implement a drug court program in every county of the state (there are currently programs in 24 of the state's 33 counties); while (2) providing a predictable and stable funding request to the legislature each year of the plan. FY10 will be the fourth year of the 5-Year Plan. The Judiciary reviewed over \$3 million in drug court requests from courts around the state in preparation for this legislative session, but by applying the priorities outlined in the 5-Year Plan,

and focusing on those courts with the greatest need and best preparation to implement state funds, the Judiciary was able to reduce the overall requests to match the \$1.6 million funding cap for FY10 set by the plan.

According to the AOC, this drug court funding request was not submitted for review during the Judiciary's unified budget process, and so is not part of the Judiciary's Unified Budget, though the judiciary is fully supportive of securing additional resources to help the Adult Drug Court in Estancia in Torrance County, following the guidelines and processes of the 5-Year Plan.

### **PERFORMANCE IMPLICATIONS**

FY 10 is the sixth year that the courts will participate in performance-based budgeting. The Drug Court Advisory Committee and the state's drug court coordinators have worked with the LFC to establish performance measures for New Mexico drug court programs. The drug court programs provide performance measure data quarterly to the LFC.

The funding outlined in this appropriation is necessary to the programs' ability to gather the data necessary to calculating and reporting those performance measures.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 8, Drug Court Expansion & Creation, contains the \$1.6 million drug court funding request vetted and approved as part of the Judiciary's unified budget process.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The drug court program in Torrance County would not be expanded.

CS/mc