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FISCAL IMPACT REPORT

ORIGINAL DATE 2/19/09

SPONSOR Maestas LAST UPDATED _____ HB 771

SHORT TITLE Statewide Gang Intervention & Prevention SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$5,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
 Department of Public Safety (DPS)
 New Mexico Corrections Department (NMCD)
 Public Defenders Department (PDD)
 Department of Finance Administration (DFA)

No Responses Received From

Juvenile Parole Board
 Association of Counties
 New Mexico Municipal League

SUMMARY

Synopsis of Bill

House Bill 771 appropriates \$5,000,000 from the general fund to the Children, Youth and Families Department to create and support gang intervention and prevention programs statewide.

FISCAL IMPLICATIONS

The appropriation of \$5,000,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the general fund.

According to the February 2009 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$575 million less than the FY09 appropriations before the 2009

solvency reductions. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

CYFD noted the appropriation in the proposed legislation is not included in the department's budget request or the Executive budget recommendation for fiscal year 2010.

NMCD noted there is no direct fiscal impact on the department. However, if the proposed legislation enables individuals who would otherwise become gang members (and then engage in criminal acts) to avoid joining gangs, it reduces the likelihood that these individuals will commit crimes. Thus, it could indirectly lead to fewer convictions, and thus to a minimal decrease in the Department's prison population and probation/parole caseloads.

NMCD reported the contract/private prison annual cost of incarcerating an inmate is \$27,761 per year for males. The cost per client to house a female inmate at a privately operated facility is \$31,600 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility. The cost per client in Probation and Parole for a standard supervision program is \$1,205 per year. The cost per client in Intensive Supervision programs is \$3,848 per year. The cost per client in Community Corrections is \$3,830 per year. The cost per client per year for male and female residential Community Corrections programs is \$25,161.

SIGNIFICANT ISSUES

CYFD and DFA reported according to the National Gang Intelligence Center, there are approximately 680 gangs with as many as 13,800 members in New Mexico, or approximately 6 gang members per 1,000, placing New Mexico in the top five states per capita in the nation. The United States Department of Justice's Bureau of Justice Statistics estimates that approximately 50 percent of all crime in Bernalillo County is gang-related.

CYFD and DFA noted that juvenile probation and parole officers in New Mexico have access to very few resources or programs that address gang intervention and prevention. Current programs and initiatives that receive support are primarily law enforcement based and focus on gang suppression, gang identification, and warrant sweeps with little to no emphasis on intervention and prevention.

CYFD and DFA stated the current national best practices surrounding gang issues in the department's juvenile justice facilities, the Phoenix Program, was funded by the 2006 Legislature. The purchase of the program includes yearly updates and does not need to be repurchased. The main use for any funding for facilities would be refresher training for Phoenix trainers within CYFD's Professional Development (training) Bureau.

NMCD stated criminal street gangs are abundant in many parts of New Mexico. Gang members often engage in crimes as a way of life and in order to "fit in" or belong with the gang. Ultimately reducing gang membership will lower crime rates in New Mexico, and help reduce the NMCD prison population and probation and parole caseloads. Anti-gang activities may also ultimately result in lower recidivism rates for paroling or discharging offenders who might be tempted to rejoin or join a gang without some sort of anti-gang intervention or prevention.

PERFORMANCE IMPLICATIONS

CYFD has performance measures related to re-adjudication and re-commitment to facilities, and to successful completion of probation, which would benefit from gang prevention and intervention programming.

NMCD stated smaller prison populations and probation/parole caseloads may enable current levels of department staff to have more time and resource to provide better services to current prisoners and probationer/parolees.

ADMINISTRATIVE IMPLICATIONS

CYFD reported administrative management of this appropriation would be absorbed with existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 771 has a relationship with House Bill 141.

OTHER SUBSTANTIVE ISSUES

NMCD supports the Governor’s statewide anti-gang legislation. The proposed legislation promotes statewide gang prevention and intervention, and is also supported by NMCD. Gang prevention and intervention may prove to be as effective, if not more effective, in reducing gang-related crimes as legislation focused on creating or increasing criminal penalties for gang-related crimes.

RPG/mc