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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/09

SPONSOR Neville LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE 11<sup>th</sup> District Pretrial Services Program SB 169

ANALYST Sanchez, C.

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
None	\$215.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	None	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Public Defender (PD)

### SUMMARY

#### Synopsis of Bill

The Courts, Corrections and Justice Committee sponsored bill appropriates \$215,000 from the General Fund to the Eleventh Judicial District Court for three full-time employees and operating expenses for a pretrial services program. Any unexpended or encumbered balance remaining at the end of FY 2010 shall revert to the General Fund.

## **FISCAL IMPLICATIONS**

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

## **SIGNIFICANT ISSUES**

Pretrial services maximize defendant release rates at the earliest possible time after arrest, while minimizing failure to appear and danger to the community. This result is achieved by screening of the arrestee for release suitability, reporting to the court with release recommendations, and supervising defendants the courts consider to be high risk of failure. Pretrial services were established in 1998 through funding from San Juan County, because the program helps to reduce the cost and demand for jail space for pretrial felons. Budget constraints at the local level have put the program's continuation at great risk. SB 169 would transfer the program from county to state funding.

## **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed;
- Percent change in case filings by case type.

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

Pretrial Services program has been in operation in the Eleventh Judicial District since 1998, funded by San Juan County. In FY 2008, the program saved 5,671 bed-days, a savings of more than \$348,600. With future funding at risk, costs to the county and danger to the community are likely to increase.

CS/svb