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## FISCAL IMPACT REPORT

ORIGINAL DATE 1-29-09

SPONSOR Griego LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Prosecution Diversion Programs SB SJM17

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 Corrections Department (NMCD)  
 Department of Health (DOH)

No Responses Received From  
 Administrative Office of the District Attorneys (AODA)

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial 17 proposes that the district attorneys be requested to make every effort to place defendants who are accused of committing nonviolent offenses that result from the defendant's underlying gambling addiction in preprosecution diversion programs pursuant to Sections 31-16A-1 through 31-16A-8 NMSA 1978.

### SIGNIFICANT ISSUES

According to the Department of Health, gambling addictions afflict a small number of New Mexico residents, but such addictions may result in crimes which can have a long term effect on that individual's life. Rehabilitation has a more positive effect than incarceration, and can greatly reduce the social cost of gambling addiction (Journal of Gambling Studies, Volume 10, Number 4, "Social Cost of Pathological Gambling").

Two studies of gambling problems in NM were done in 2006: the NM Behavioral Risk Factor Surveillance System (BRFSS), and The 2006 Study of Gambling and Gambling Problems in New Mexico by R. Volberg and B. Bernhard of Gemini Research, Ltd. The estimate of New Mexicans with 5 or more problems with gambling was found to be less than 1% in both studies; this level was defined as pathological gambling. Those with 3 or more problems with gambling were defined as problem gambling; problem gambling was estimated at 0.8% by BRFSS and 1.3% by Volberg. For New Mexicans with 1 or more problems with gambling, the estimate was 4% by BRFSS and 4.9% by Volberg.

In the two surveys that collected this information in 2006, credit card debt was the most frequently reported reason for bankruptcy and gambling or problems with gambling was the least frequently reported reason for bankruptcy. The survey of Bankruptcy Court records estimated that between 2.2% to 7.0% of adults who filed for bankruptcy between August 25, 2005 and October 24, 2006 reported gambling as the primary reason for filing for bankruptcy.

Adults who reported one or more gambling problems were more likely to have met Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) criteria for current depression and to have ever been diagnosed by a health care provider with a depressive disorder and an anxiety disorder than adults who did not gamble or who gamble without associated problems. Adults defined as problem gamblers or pathological gamblers also had higher rates of current depression and lifetime diagnoses of depressive and anxiety disorders.

Because of the independent association of gambling problems with mental disorders, it is recommended that pre-prosecution diversion programs include mental health evaluation.

## **PERFORMANCE IMPLICATIONS**

The Corrections Department express supports any diversion and/or treatment program that rehabilitates individuals without having to incarcerate them or place them on probation or parole. Such programs help reduce the prison population and probation/parole caseloads, and help give current staff more time and resources to provide services to those offenders already in prison or on probation/parole.

## **OTHER SUBSTANTIVE ISSUES**

According to *The Responsible Gaming Association of New Mexico*, the following groups are most at risk in New Mexico of becoming compulsive gamblers: elderly, young male Hispanic and Native American adults, and women.

EO/svb