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FISCAL IMPACT REPORT

ORIGINAL DATE 3/3/09
 LAST UPDATED 3/12/09 HB _____

SPONSOR Ortiz y Pino

SHORT TITLE Study Youth Court Physical Restraints SM 35/aSJC

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1.0			Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HJC Amendment

The Senate Judiciary Committee amendment corrects the spelling to Corinne from Corrine throughout the bill.

Synopsis of Original Bill

Senate Memorial 35 requests the Corrine Wolfe Children's Law Center at the Institute of Public Law at the University of New Mexico Law School convene a group that includes representatives from the children, youth and families department, the administrative office of the courts, the children's court rules committee of the supreme court, the public defender department, the district attorneys' association, the sheriffs' association and youth advocates selected by the Corrine Wolfe children's law center to make recommendations on the implementation of a policy on the use of physical restraints on youths during court proceedings, including whether the policy should be established by court rule or statute.

The working group is to report its recommendations to the appropriate interim legislative committees by November 1, 2009.

FISCAL IMPLICATIONS

The AOC reports there will be a minimal administrative cost to cover the AOC's participation on the work group. The same limited cost should apply to others included in the work group.

SIGNIFICANT ISSUES

Persons working with youths in the juvenile justice system are fully aware and supportive of the need to protect the dignity and rights of youths during court proceedings.

Persons from many points of view are mindful of their concomitant responsibility to ensure public safety.

Persons are well aware of the right of judges to determine the way in which hearings will be conducted in their own courtrooms.

The problem of using physical restraints on youths who enter a courtroom is one to be solved with respect for the rights of youths and the safety of persons in the courtroom and, at the same time, is one directly related to the court administrative costs available to a judge for additional security.

The courts seem amenable to allowing youths to appear in court without physical restraints if the security of the courtroom can be assured; however, some courts lack the resources needed to provide the security necessary to accommodate the goal of removing physical restraints used on youths.

People from many perspectives are willing and able to work together to resolve the issue in a way that addresses all of the varying points of view.

GH/mc:mt