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FISCAL IMPACT REPORT

SPONSOR Ingle ORIGINAL DATE 3/1/15
 LAST UPDATED _____ HB _____

SHORT TITLE Study Transfer of Employees to Courts SM 89

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Narrative					

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Memorial 89 requests the AOC, Association of Counties and the Curry county court compliance department to study the ramifications of transferring county employees to the magistrate courts to operate compliance programs and fiscal systems in which costs collected by compliance officers are deposited into a nonreverting fund created in the state treasury and administered by the AOC and propose legislation to the LFC or other interim committee no later than October 1, 2015.

FISCAL IMPLICATIONS

This memorial suggests the creation of a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

AOC states that there will be an indirect fiscal impact upon the judiciary whose staff will be required to participate in the study, and to provide information and data regarding the role of the courts in monitoring and enforcing probation requirements, and regarding best practices, methods of data collection that measure short- and long-term offender outcomes and methods to

ensure judicial monitoring and enforcement.

SIGNIFICANT ISSUES

According to DFA, Curry County misdemeanor compliance program is self-sustained by the fees collected and is not supported with Local DWI funds. County misdemeanor compliance programs are required to follow both AOC and DFA guidelines. DFA staff collaborates with AOC staff to provide a 40 hour basic training for court compliance officers annually. An advanced training for court compliance officers is provided biennially. The compliance monitoring ad hoc committee, which consists of members from local county misdemeanor compliance staff, DFA and AOC, has been instrumental in getting the misdemeanor compliance program accreditation process started through the New Mexico Association of Counties. The accreditation of programs will provide for uniform standards of these programs statewide.

DFA states that the significance of this study would be the transfer of employees from the county to become employees of the state (AOC). Working directly for the state court could create a conflict of interest for the compliance monitors. They would no longer be an independent entity providing compliance monitoring services to offenders for the magistrate courts as is the current practice, but would be directly overseen by the magistrate court judges.

ADMINISTRATIVE IMPLICATIONS

DFA reports that depending on the results of this study, county oversight may change to state oversight of the Curry county misdemeanor compliance program. Court employees would need to be funded through AOC funds or fees collected that are authorized by the AOC misdemeanor compliance guidelines.

ABS/je