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FISCAL IMPACT REPORT

SPONSOR Padilla **ORIGINAL DATE** 2/11/16
LAST UPDATED _____ **HB** _____

SHORT TITLE Protection Order Exclusion Zone Project **SB** 44

ANALYST Downs

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
N/A	\$150.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$79.0	\$79.0	\$79.0	\$237.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Department of Public Safety (DPS)
- New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

Senate Bill 44 appropriates \$150 thousand from the general fund to the Second Judicial District Court for the purpose of implementing a pilot program to assess the use of global positioning systems to monitor exclusion zones for cases in which orders of protection have been violated. The global positioning tracking device would transmit the restrained party's prohibited location to the protected party, law enforcement, and corrections, and would allow communication through the device between monitors and the restrained party. The bill allows the Second Judicial District Court to seek federal or other funding to support the pilot, and any unused funds at the end of fiscal year 2019 will revert to the general fund.

FISCAL IMPLICATIONS

The appropriation of \$150 thousand contained in this bill is a recurring expense to the general fund and may be expended in FY17 and FY18. Any unexpended balance remaining at the end of FY19 shall revert to the general fund. Generally, if an appropriation creates an expectation of continuation, it is considered a recurring expense.

According to AOC, it is unknown whether a \$150 thousand appropriation would cover the costs of the pilot program, and there is a possibility of the need for additional staff. For FY16, the average annual salary in the Second Judicial Court was \$74 thousand, which would be a recurring expense if an additional staff member were hired for the implementation of the pilot. Miscellaneous costs associated with one employee can be estimated at \$5 thousand, bringing the total recurring cost for an additional employee to \$79 thousand.

SIGNIFICANT ISSUES

Senate Bill 44 requests that the Legislative Finance Committee (LFC) to conduct an evaluation of a pilot project in the second judicial district after the pilot project has been established for two years. The mission of the LFC is to provide the Legislature with objective fiscal and public policy analyses, recommendations, and oversight of state agencies to improve performance and to ensure accountability through the effective allocation of resources for the benefit of all New Mexicans. The LFC consistently produces evaluations on a number of policy issues. The LFC Evaluation Unit maintains a work plan of evaluations approved by the LFC. This study is not currently on the work plan and would require a reprioritization of pending evaluations.

According to AODA, the Second Judicial District Attorney's office will be affected by the pilot program when additional findings have to be made to establish the geographic zones following original violation of a protection order, and additional hearings must be scheduled when a restrained party enters a restricted area.

AOC stated that The Second Judicial District Court issued over one thousand orders of protection in 2014, all instances in which Senate Bill 44 could provide more safety to protected parties. Currently, if an order of protection is violated, it can be filed by the protected party in family court as a civil violation, or by law enforcement as a felony or misdemeanor in Bernalillo County Metropolitan Court. AOC indicated the bill is unclear on which violations the pilot will apply.

The New Mexico Corrections Department (NMCD) stated that its mission is to serve convicted felons who have been sentenced to incarceration, probation, or parole. The inclusion of NMCD in the list of entities receiving transmission of a party's entrance into a prohibited geographic area is not needed since it has no authority to utilize the information. NMCD stated, "The department does not want or need to receive information on individuals not within its probation or parole supervision."

JD/jo/al