
Bill Analysis 2017 Regular Session

SPONSOR: Senator Gerald Ortiz y Pino

SHORT TITLE: Medical or Geriatric Parole

SYNOPSIS OF BILL: Creates a streamlined parole process for geriatric, physically incapacitated and terminally ill prisoners; removes authority from the Adult Parole Board to administer parole for such inmates and places it in the New Mexico Corrections Department's Probation and Parole Division; sets forth criteria for determining eligibility.

STRENGTHS: New Mexico should not waste state resources on incarcerating prisoners who do not pose a significant threat to public safety in New Mexico. SB116 is designed to address this problem in the context of elderly, physically incapacitated and terminally ill patients who pose little threat to anyone yet cost much more than younger prisoners to incarcerate. The tough-on-crime policies so popular in the 1980s and 1990s – including mandatory sentencing and three strikes laws – have now led to a dramatic nationwide increase in elderly prisoners, and these prisoners are very expensive to maintain. In particular, corrections departments across the country indicate that the cost of providing health care to elderly prisoners is four to eight times what it costs for younger prisoners.¹

Research has conclusively shown that before age 50 most people have outlived the time period in which they are most likely to commit crimes. Elderly prisoners are rarely dangerous, and for this reason it makes sense to release prisoners who serve no or little threat to New Mexico communities.²

ADDITIONAL INFO: According to a 2016 analysis from the New Mexico Sentencing Commission, New Mexico prisons house 159 prisoners who are 65 years of age or older, and 529 prisoners between the ages of 55 and 64. Data from the Legislative Finance Committee (LFC) suggests that releasing prisoners who are 65 years of age or older could save the New Mexico Corrections Department's budget \$7.1 million. That said, as the New Mexico Corrections Department notes in the Fiscal Impact Report for SB116, there would likely be some expenses accrued by the Department in administering the requirements of this bill should it become law.

1 "Elderly Inmates Burden State Prisons," Michael Ollove, The Pew Charitable Trusts (2016).

2 "Age and the Explanation of Crime," Travis Hirschi and Michael Gottfredson, *American Journal of Sociology* (1983).

/ Safer	Apolitical	Fiscally-Responsible	Evidence Based	Grade
<p>New Mexico spends millions of dollars incarcerating elderly prisoners who likely pose little or no threat to our communities. That money would be better spent on behavioral health services, substance abuse programs, etc., that are more effective at reducing crime.</p>	<p>N/A</p>	<p>According to a 2016 report from the Pew Charitable Trusts, corrections departments across the country indicate that it costs them four to eight times more to provide health care to elderly prisoners than to younger prisoners. By paroling prisoners over age 64, up to \$7.1 million could be saved from the New Mexico Corrections Department's budget. According to the LFC, New Mexico is among the top 15 states nationally in the amount it spends on prisoner healthcare, partly because of its aging inmate population.</p>	<p>Research conclusively indicates that the likelihood of a person committing a crime decreases dramatically with age. Elderly prisoners are simply less likely to be dangerous should they be paroled.</p>	<p>A</p>

¹<http://nmsc.unm.edu/reports/2015/understanding-recidivism-definitions-and-return-to-prison-rates-for-individuals-released-from-new-mexico-prisons-fy-2007fy-2011.pdf>.

²https://csgjusticecenter.org/wp-content/uploads/2014/06/ReducingRecidivism_StatesDeliverResults.pdf.