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FISCAL IMPACT REPORT



SPONSOR: Martinez DATE TYPED: 01/25/02 HB 247

NM Sentencing Commission SB _____

ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$500.0		\$0.1 See Narrative	Recurring	General Fund

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Juvenile Parole Board (JPB)
 Public Defender Department (PDD)
 Criminal & Juvenile Justice Coordinating Council (CJJCC)
 Attorney General's Office (AG)

SUMMARY

Synopsis of Bill

House Bill 247 appropriates \$500.0 from the general fund for the purpose of creating the New Mexico Sentencing Commission to replace the existing Criminal and Juvenile Justice Coordinating Council. House Bill 247 sets forth the membership and duties of the new Commission.

In addition to the duties already required by the current council, new duties are added that require the newly created commission to:

- annually assess, monitor and report to the Legislature on the impact of any enacted sentencing guidelines on correctional resources and programs and the need for further sentencing reform;
- study sentencing models in other jurisdictions when developing proposed sentencing reform and use the expertise of a national or state organization with expertise in sentencing reform, and present proposed legislation or recommendations regarding sentencing reform to the appropriate legislative interim committee;

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- review all proposed legislation that creates a new criminal offense, changes the classification of an offense or changes the range of punishments for an offense and make recommendations to the Legislature as to whether proposed changes would improve the criminal and juvenile justice system; and
- require that the commission provide impact estimates, incorporating prison population projections, on all proposed legislation that has the potential to affect correctional resources.

Significant Issues.

HB 247 is the result of an endorsement by the Corrections Oversight and Justice Interim Committee to create a Sentencing Commission. The Committee was specifically interested in what other states have been able to accomplish regarding sentencing reform and fiscal impact assessment through Sentencing Commissions. HB 247 will significantly increase the responsibilities.

Under its existing mandate, the Council is in the process of developing policy efforts in areas other than sentencing. Members of the Council agree that developing policy in the adult and juveniles areas is equally important and that both efforts should be adequately funded.

FISCAL IMPLICATIONS

The appropriation of \$500.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY 03 shall revert to the general fund.

The Council's current budget of \$275.0 is devoted to contractual services, and therefore there are no direct FTEs on staff. The \$500.0 appropriation contained in this bill would allow the commission to establish itself as an independent agency, with 3.0 FTE, including salaries and benefits. Additional direct costs include ISD services and printing; travel costs for commission members and staff to attend commission meetings and out-of-state seminars/conferences; equipment purchases; office supplies; building rental; meeting room and equipment rental; subscriptions; education and training; and advertising. In addition to staff and direct costs, the appropriation would fund some contractual services as are necessary to develop sentencing reform and develop data models to enable impact assessment analysis. Specifically, the statutory changes include working with at least one external organization with sentencing expertise in FY2003 and 2004.

The CJJCC notes that HB 247 will significantly increase costs to the agency. It will be impossible to complete the increased tasks outlined in the bill without a sufficient appropriation.

ADMINISTRATIVE IMPLICATIONS

The CJJCC states that passage of this bill would have a long-term administrative effect on the agency. If the bill is passed with the full \$500.0 appropriation, the Commission plans to transition its Executive Director position from contractual services to a direct FTE position and plans to add an associate director to spearhead the sentencing reform and impact assessment efforts. The Commission also plans to hire a full time office administrator to handle the increased administrative burden that would result from its transition to an independent agency. All remaining research related work would continue to be performed through a reduced contract to the University of New Mexico or other qualified contractor.

RELATIONSHIP

HB 247 relates to the General Appropriations Act of 2002, which gives \$275.0 for contractual services for the CJJCC in addition to the \$500.0 in this bill.

OTHER SUBSTANTIVE ISSUES

The Juvenile Parole Board believes that its director should be a member of the Commission.

DW/sb