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FISCAL IMPACT REPORT



SPONSOR: Sanchez DATE TYPED: 02/05/02 HB 431

SHORT TITLE: Serious Youthful Offenders Age Designation SB _____

ANALYST: Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			\$956.0 (See Fiscal & administrative Implications)	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received

Children Youth and Families Department (CYFD)
 Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Public Defender (PD)
 NM Corrections Department (NMCD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 431 amends the Children's Code NMSA Chapters 31, 32 and 32A to change the definition of a "youthful offender" and "serious youthful offender" (these are generally the children charged with the more serious crimes subject to adult or juvenile sanctions) to include a child from age *thirteen* to eighteen rather than age *fifteen* to eighteen. The specific sections of the code relating to fourteen year olds are deleted. (NMSA 31-18-15.2 B.3 and 32A-2-3 I.2)

Significant Issues

The Public Defenders Office reports that lowering the age of adult penalty would expose younger juveniles to the significantly more expensive adult venues and trials.

FISCAL IMPLICATIONS

There is no appropriation in the bill.

The Public Defender 's estimates personnel cost of \$606.0 (see administrative implications below) plus added contractual costs of \$200.0 and expert witness costs at \$150.0.

NMDC states that the bill could result in minimal increases in costs to the Department as a result of the additional commitments to Department prisons and probationary supervision.

The private prison annual cost of incarcerating an inmate based upon Fiscal Year 01 actual expenditures is \$22,787 per year for males. The cost per client to house a female inmate at the privately operated facility in Grants is \$24,480 per year. Any net increase in inmate population will be housed at a private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,381 per year. The cost per client in Intensive Supervision programs is \$4,785 per year. The cost per client in Department-Operated Community Corrections programs is \$5,558 per year. The cost per client in Privately-Operated Community Corrections programs is \$10,746 per year.

ADMINISTRATIVE IMPLICATIONS

The Public Defender's Office indicates that they would need to hire at least ten new PD 3 attorney slots (one for each office and appellate).

Youthful offender cases can be some of the more difficult cases addressed by the juvenile justice system. To the extent that more children are charged as "youthful offenders" or "serious youthful offenders," this may increase the workload for the juvenile justice system.

The AGO reports that the bill could impact the Criminal Appeals Division by increasing the number of appeals from adult dispositions of youthful offenders and serious youthful offenders. The impact would probably not be substantial.

The bill could result in an increased administrative and program burden for NMDC due to the larger prison population and higher probation caseloads. Also, NMDC could be required to provide some sort of special counseling or protection to juveniles at the age of thirteen (13) or fourteen (14) years of age.

CONFLICT

AOC notes that HJM 46 proposes to study the entire Children's Code, and perhaps the issue addressed in this bill could be best included in that study. There may be substantive issues raised to include a child of thirteen in the definition of "youthful offender" and "serious youthful offender" because of their young age. For example, it may be wise to study the possibility of including special review procedures for periodic review of a case involving a thirteen-year-old found to be a serious youthful offender.

OTHER SUBSTANTIVE ISSUES

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The Public Defenders Office indicates that juveniles are entitled to special protections and leniencies under the law precisely because their maturity and decision making development are not that of an adult.

The PD Office suggest that an interim legislative committee should study the issues as they are presented in New Mexico and that the committee should recommend policy changes - if they are needed. Corrections oversight and criminal Justice committee or the Criminal and Juvenile Justice Coordinating council may be able to assist this committee.

BD/ar