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## FISCAL IMPACT REPORT

SPONSOR: Salazar DATE TYPED: 03/04/03 HB 308/aHAFC

SHORT TITLE: County Reimbursement for Prisoner Extradition SB \_\_\_\_\_

ANALYST: Martinez/Padilla

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	Significant but indeterminate – see amendment narrative		See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration  
 Corrections Department  
 Administrative Office of the District Attorney

### SUMMARY

#### Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment strikes the appropriation of \$1,000.0 to DFA for the reimbursement to counties for care of state prisoners. The amendment does not alter the fact, however, that this bill makes *mandatory* the reimbursement to counties. Current law provides that the state *may* reimburse those expenses. Therefore, while this bill no longer contains an appropriation, it still has significant fiscal impact because DFA will be required to reimburse counties 75 percent of their costs for extraditing, transporting and feeding state prisoners.

In past years, the legislature appropriated money to DFA for the purpose of reimbursing counties, but this appropriation declined from \$700.0 in FY 1995 to \$175.0 in FY 1998 and disappeared altogether in FY 1999.

Synopsis of Original Bill

House Bill 308 amends statute relating to the reimbursement to counties for transporting state prisoners. This legislation will require the Department of Finance and Administration to reimburse counties for 75 percent of the per diem and mileage costs to sheriff departments for extraditing prisoners from out-of-state or transporting inmates back to court, and 75 percent of the costs for the care and feeding of prisoners while in transit. Current law provides the state the option to reimburse counties for such expenses.

House Bill 308 appropriates \$1,000.0 from the General Fund to the Local Government Division of the Department of Finance and Administration for the purpose of reimbursement to counties for expenses incurred when counties extradite, transport, and feed state prisoners.

**FISCAL IMPLICATIONS**

The appropriation of \$1,000.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

According to the Administrative Office of the District Attorney, the change in language from “may” to “shall” may cause the state to need contingency fund monies if there is a shortfall in the general fund appropriation.

MM:LP/sb:njw