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FISCAL IMPACT REPORT

SPONSOR: McSorley DATE TYPED: 2/14/03 HB _____

SHORT TITLE: Juvenile Corrections Moratorium SB SJM 9/aSRC

ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Children, Youth and Families Department (CYFD)

Criminal and Juvenile Justice Coordinating Council (CJJCC)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment makes editorial changes to the joint memorial.

On page 2, line 7 “and” is struck. However, there are two “and” in the sentence and the amendment does not specify which one to strike. In reading the sentence, the LFC analyst assesses that the second “and” should be struck to be consistent with the second change.

On page 2, lines 8 through 22 are struck which discussed hiring problems at the New Mexico Boy’s School and resolved there should be a moratorium on additional juvenile correctional institutional capacity and CYFD should seek to reduce the number of children in correctional facilities.

On page 2, line 23 and 25 changes would make the paragraph read “NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the general

Senate Joint Memorial 9/aSRC -- Page 2

services department be requested to conduct a study and make recommendations on alternative and continued present use for the New Mexico boys' school in Springer; and"

Synopsis of Original Bill

Senate Joint Memorial 9 requests that CYFD institute a moratorium on expanding juvenile corrections capacity, reduce the number of youths in facilities and redirect funds from institutional to community-based care. It also asks GSD to conduct a study on alternative uses for the New Mexico Boys' School in Springer and for CYFD and GSD report to the interim Legislative Health and Human Services Committee during the September 2003 meeting.

Significant Issues

CYFD states it is already trying to address the issues in this joint memorial. The agency is working the Annie E. Casey Foundation to focus on detention reform measures and providing day treatment options for paroled youth. However, if a youth is adjudicated to the department by the courts, the agency is still responsible to assign the individual to a facility and cannot redirect funds from this responsibility.

FISCAL IMPLICATIONS

There are no direct fiscal impacts from this memorial. However, implementing any recommendations could later have a fiscal impact. It will be difficult to transfer funding from institutions to community corrections efforts. The only practical way is to target a particular facility and close it by moving the population elsewhere.

TECHNICAL ISSUES

Since CYFD is obligated to accept all youth adjudicated to the department by the judicial system, it is recommended the following be inserted on page 2, line 19 following the word "department": "and children court and other court judges".

On page 3, line 3 insert a comma after the first department and strike "and". After the second "department", add "and administrative office of the courts".

On page 3, line 4 insert "joint" before the word "report".

OTHER SUBSTANTIVE ISSUES

The following is provided by CYFD: "This memorial also requests the General Services Department to conduct a study and make recommendations on alternative use for the New Mexico Boys' School. CYFD fully recognizes that there are serious hiring and retention issues with professional staff at the Boys' School and is very concerned about providing adequate services to the incarcerated youth. However, any such study must be predicated on the reality that until populations are reduced in the juvenile correctional facilities, there is no other facility to transfer the 180-200 clients."

GAC/yr