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FISCAL IMPACT REPORT

SPONSOR Stewart DATE TYPED 01/27/04 HB 63

SHORT TITLE Female Inmate Release & Reintegration Program SB _____

ANALYST Reynolds-Forte

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	\$1,500.0			Recurring	General Fund
			Indeterminate cost savings	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
	Minimal	Minimal	Recurring	Other State Funds

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department

SUMMARY

Synopsis of Bill

House Bill 63 appropriates \$1.5 million from the general fund to the Corrections Department in FY 05 to operate a “controlled release and reintegration” program for female inmates to be located in the Rio Grande Corridor. The bill further states that “In the alternative, the corrections department may reallocate existing resources to operate the program for female inmates.”

Significant Issues

The Corrections Department defined the following issues related to HB 63:

The phrase “controlled release” is not defined by statute nor does it have a generally accepted meaning. The Corrections Department has used the phrase, in preliminary discussion on a proposed policy, to mean the release of inmates before completion of their prison sentence.

On one hand, the release of inmates before completion of their basic prison sentence should perhaps be used only as a last resort when prison population is over capacity. This is due to the fact that there will always be a public outcry if the inmate who was released early commits a serious crime during that period of time that that offender would have otherwise remained in prison. Currently, the women’s prison is not over capacity. Also, since non-violent offenders may already reduce their prison sentences by almost one-half, releasing an inmate even earlier could undermine the public’s confidence in the criminal justice system.

On the other hand, most female inmates tend to be non-violent offenders and in that sense are less of a threat to public safety. It is possible that the early release of some female inmates could reduce costs to the state and the Corrections Department (by lowering the prison population and related per diem costs), without an undue rise to public safety.

FISCAL IMPLICATIONS

HB 63 appropriates \$1.5 million from the general fund to the Corrections Department in FY05 to operate a controlled release and reintegration program for female inmates. Any unencumbered or unexpended funds at the end of FY05 are to revert to the general fund.

The Corrections Department states that they will use the appropriation to obtain whatever reintegration program services can be obtained for \$1.5 million.

Implementation of the program could result in some costs savings since it would probably reduce the female prison population, which would result in a lower per diem payment to the private prison operator. The Department of Corrections pays on a sliding scale per day for housing female inmates at the New Mexico Women’s Correctional Facility. In FY05, they will pay \$57.64 per day for the first 322 female inmates at the women’s facility, \$49.90 per day for 323-516 female inmates and \$12.42 per day for any female inmates over 516. It is impossible to estimate cost savings until the program is designed and implemented.

The Department estimates they might see minimal increased revenues from probation and parole fees collected if additional female inmates are being supervised due to this new program.

ADMINISTRATIVE IMPLICATIONS

The Corrections Department believes that HB 63 suggests they implement a new reintegration program. This will result in increased administrative requirements for the Department personnel required to administer the program.

POSSIBLE QUESTIONS

1. Line 20 of the bill states that in the alternative, the department could reallocate existing funds to operate the program. If they were to use existing funds to operate the female reintegration program, for what would the \$1.5 million appropriation be used?

PRF/prr:yr