

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Miera DATE TYPED 2/7/04 HB 391
 SHORT TITLE Reimburse Counties for Juvenile Detention SB _____
 ANALYST Maloy

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			Unknown, See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From
 Children, Youth and Families Department
 Department of the Public Defender

SUMMARY

Synopsis of Bill

HB 391 amends the Children’s Code, NMSA 1978, § 32A-2-12 (Placement or detention), to add a new subsection requiring the State reimburse counties for the daily cost of care, *as established by the county*, for a child that is placed on probation, or parole, and subsequently placed in the county juvenile detention center.”

Significant Issues

This bill allows each county to establish its own daily cost of care rate.

The Children, Youth and Families Department notes:

- The daily cost of care rate can vary in each county and the bill does not specify how often that rate can be changed.

- It is not clear which state government entity will be responsible for the administrative duties associated with establishing and maintaining a mechanism for reimbursing counties for these costs.
- There are several situations that make it difficult to determine whether the state or county is the pay source for juveniles on probation or parole in detention. For example, juveniles on probation or parole may be detained for new delinquency that are also considered technical violations, drug court or specialized program sanctions. It is not clear if this bill would require the state to reimburse counties for detention in these situations.
- Counties oversee administrative processes impacting the length of time a juvenile spends in detention. Juveniles may be detained pending trial or probation violation hearings for varying timeframes based upon District Attorney, Judicial or Public Defender processing and Sheriff transport timeframes. It is not clear if this bill would require the state to reimburse counties in these situations.

FISCAL IMPLICATIONS

This bill does not contain an appropriation. The bill will result in greater fiscal and administrative costs to New Mexico's Juvenile Justice Program.

The Children, Youth and Families Department recommends:

- A comprehensive analysis of the daily cost of care in each county would need to be performed to approximate annual costs. Currently, CYFD does not reimburse counties for juveniles on probation, or parole, that are placed in county juvenile detention facilities.

SJM/lg