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FISCAL IMPACT REPORT

SPONSOR Garcia DATE TYPED 2-11-04 HB _____

SHORT TITLE Corrections Industries Division Advisement SB 210

ANALYST Reynolds-Forte

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY04 | FY05 | FY04 | FY05 | | |
| | | | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Corrections Department

SUMMARY

Synopsis of Bill

Senate Bill 210 amends a somewhat outdated statute which created the Corrections Division of the Criminal Justice Department, neither of which continue to exist. At that time, the Corrections Commission was given the duty to “advise” the Director of the Corrections Division [now the Secretary of the Corrections Department] in the management and control of the Corrections Division [now the Corrections Department].

Senate Bill 210 deletes the reference to the Corrections Division and the Criminal Justice Department and inserts instead “department” (Corrections Department). The bill also deletes the language which requires that four members of the corrections commission be persons who have an interest in juvenile corrections and inserts language to limit the commission’s oversight to only the Corrections Industries Division of the Department.

Significant Issues

The Corrections Department points out that since this statute was originally created, another statute, specifically Section 33-8-6 NMSA, granted the Corrections Commission broad and virtually complete policy making power with regard to the Corrections Industries Division of the Corrections Department. This is the division of the Corrections Department that employs inmates in

such industries as the manufacturing of furniture; making clothing and uniforms for inmates, telemarketing, etc. The Corrections Commission is responsible for establishing policy with regard to all such operations, including the determination of the types of industries to be established, approval of the prices to be charged for goods and services, and consulting with governmental agencies in order to develop new products, etc. The Corrections Commission continues to perform these functions to this day.

As a practical matter, for the past several years the Corrections Commission has not provided advice to the Secretary of Corrections regarding overall operations of the entire Corrections Department. The members of the Corrections Commission are not experts in the field of corrections generally, such as prison security, supervision of offenders in the community, etc. Additionally, the legislature has created the Corrections Oversight Committee to oversee the Department's programs and management. There is no longer a need to have the Corrections Commission advise the Secretary as to the overall operations of the entire Corrections Department. The Corrections Commission has sufficient responsibilities with regard to setting policy for the Corrections Industries Division.

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