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FISCAL IMPACT REPORT

SPONSOR Sanchez DATE TYPED 02/01/05 HB _____

SHORT TITLE Adult Mental Health Program in the 2nd District SB 202

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	\$71.1	NFI	Indeterminate	Recurring	General Fund
NFI	\$86.6	NFI	Indeterminate	Recurring	General Fund
NFI	\$56.8	NFI	Indeterminate	Recurring	General Fund
NFI	\$227.0	NFI	Indeterminate	Recurring	General Fund
NFI	\$41.6	NFI	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the Courts (AOC)
 Public Defender (PD)

SUMMARY

Synopsis of Bill

Senate Bill 202 appropriates \$483.1 thousand from the general fund to the second judicial district court for the purpose of funding personnel for an adult mental health court. \$71.1 thousand of the total appropriation would fund a program director, \$86.6 thousand would fund a court psychologist, \$56.8 thousand would fund a background investigator, \$227 thousand would fund mental health diversion specialists and \$41.6 thousand would fund a judicial specialist.

Significant Issues

The Public Defender asserts that mentally ill individuals often have repeated contact with the criminal justice system when a lack of resources and lack of direction to available resources leave them in an unstable living environment. According to the Public Defender's (PD) office, the described combination of factors leads the mentally ill into criminal activity. PD reports that

prosecution and jail is the simplest solution to keeping mentally ill criminals temporarily off the streets, but that it is also the most expensive, and least effective means. According to PD, the personnel provided by this program would direct individuals toward proper care and treatment, and monitor their progress.

According to the Administrative Office of the Courts, the proposed funds would enable a program to be created that would reduce the incidents of arrest and incarceration for repeat offenders with mental illness using the Court to mandate appropriate treatment rather than incarceration.

AOC asserts that the proposed program would provide families with parental training, mental health education, and referrals to other community service providers. Referrals would be made by criminal justice agencies, treatment providers, law enforcement, private attorneys and the community (i.e., family members). All referrals would be presented to the Mental Health Court team for eligibility review and acceptance into the program. Individuals accepted into the program voluntarily would enter into a plea or diversion agreement before a judge. Participants would be strictly supervised in order to ensure compliance with the Court's orders which would include mandatory treatment. If a person fails to comply, he or she could be immediately incarcerated for noncompliance.

The AOC reports that the Supreme Court and the Chief Judges Council support this legislation and that the program would reduce the number of mentally ill offenders who are jailed-released-jailed again.

PERFORMANCE IMPLICATIONS

The AOC proposes that the success of the program would be measured for two years by quarterly contact with the defendant by the Mental Health Specialist who will track the success of treatment and medication compliance, and would continue to check court records for recidivism.

FISCAL IMPLICATIONS

The appropriation of \$483.1 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY06 shall revert to the general fund.

The AOC reports that the cost of incarcerating mentally ill offenders in jail will be reduced substantially due to their earlier release from jail and effective use of existing resources in the community. A corresponding reduction in funding for incarceration has not been proposed.

ADMINISTRATIVE IMPLICATIONS

In the short-term, passage of the bill would increase the number of FTEs in the Second District Court and significantly increase the viability of the Mental Health Program. The AOC reports that the long-term impact would be the effect the program will have on the ten local collaborating government agencies that are associated with the program.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Mentally ill offenders will have the same options as are available currently; a mental health court would not exist.

According to the Public Defender, untreated or inadequately treated mentally ill offenders will likely re-offend. This occurrence increases the risk to the community and perpetuates chronic re-entry into the criminal justice system.

POSSIBLE QUESTIONS

Would this level of funding be considered sufficient for a fully operational mental health court, or would this be considered a “seed” funding level? If the funding is considered full funding, what would a seed level of funding be?

What would the capacity of the proposed mental health court be?

What would be the optimal cost per day per participant of this program be?

EM/lg