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FISCAL IMPACT REPORT

SPONSOR Campos DATE TYPED 1/24/05 HB _____

SHORT TITLE San Miguel County Inmate Transfer Costs SB 2

ANALYST Peery

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|--------|-----------------------------|------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | \$95.0 | | | Recurring | General Fund |
| | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
New Mexico Corrections Department (NMCD)

No Response
Association of Counties

SUMMARY

Synopsis of Bill

Senate Bill 2 appropriates \$95.0 from the general fund to New Mexico Corrections Department for the purpose of covering the cost of transporting and feeding state inmates in San Miguel County.

FISCAL IMPLICATIONS

The appropriation of \$95.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The Department would be required to track and account for the proposed appropriated funding to San Miguel County.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATONSHIP

Laws 2004, Chapter 114, Section 4 appropriated \$1,000.0 to help NMCD pay all counties that house Department parole violators. The law does not include probation violators or probationers, and does not obligate the Department to pay associated parole violator costs once or if the \$1,000.0 is exhausted.

TECHNICAL ISSUES

NMCD states the bill is unclear pertaining to whether “state inmates” includes parole violators and/or probation violators. Also, the bill does not state whether the Department would be obligated for costs exceeding the appropriated amount.

OTHER SUBSTANTIVE ISSUES

NMCD reports the appropriation is sufficient to cover the cost of temporarily housing Corrections Department parole violators in the San Miguel County jail pending return to prison or being placed back on parole. However, it is unclear whether the funding is sufficient to cover the costs involved in housing Correction Department probation violators in the county jail. Probation violators are held at the request of the sentencing judge and not the Corrections Department.

RLP/lg:yr