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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/06

SPONSOR Martinez LAST UPDATED HB 660

SHORT TITLE Sentencing Commission Workload Study SB

ANALYST Peery

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$152.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
New Mexico Sentencing Commission (NMSC)

No Responses Received From

Administrative Office of the District Attorneys (AODA)
Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 660 appropriates \$152.0 from the general fund to the New Mexico Sentencing Commission for the purpose of contracting for a workload measurement study that analyzes and makes recommendations regarding equitable statewide resource needs of the Public Defender Department, district attorneys and state courts. The proposed bill requires the New Mexico Sentencing Commission to update the workload measurement study within five years following the completion of the initial study.

FISCAL IMPLICATIONS

The appropriation of \$152.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

NMSC reports, after issuing a Request for Proposals, the commission is contracting with the National Center for State Courts to complete the Workload Measurement Study. NMSC reports the total contract cost of the study is approximately \$402,000, which includes \$352,000 to be paid to the National Center for State Courts and approximately \$50,000 in costs to NMSC.

NMSC reports the commission received an appropriation in FY06 for \$200,000 to conduct the Workload Measurement Study, and expects to receive an additional \$50,000 grant from the New Mexico Traffic Safety Bureau. NMSC states the budget shortfall in conducting the study is approximately \$152,000.

NMSC states without the full funding to complete the Workload Measurement Study, the district attorneys, courts and Public Defender Department would have to take the \$152,000 from their base operating budgets to fund the study.

PERFORMANCE IMPLICATIONS

NMSC states the study would comprise of one of the 11 required of the commission under its performance measures.

AOC reports the Workload Measurement Study will enhance the effectiveness and accuracy of the budget preparation and request process for the Public Defender Department, district attorneys and courts. AOC states the Public Defender Department, district attorneys and courts will benefit from having a coordinated workload study conducted the NMSC, a neutral entity, because the study will likely be viewed as objective and an accurate reflection of the true needs. AOC states the other benefit of the study is that cases will be weighted and counted in a more consistent manner than takes place when each entity conduct its own separate study.

ADMINISTRATIVE IMPLICATIONS

NMSC states the study can be completed in a timely manner provided the commission receives the funding from this proposed legislation and the \$50,000 grant from the Traffic Safety Bureau.

AOC states the courts, along with the Public Defender Department and district attorneys, will be required to devote some administrative time to participate in the study.

OTHER SUBSTANTIVE ISSUES

AOC reports New Mexico Supreme Court recognizes the need for adequate funding of all components of the criminal justice system, and thus, it created the Criminal Justice Task Force in early 2004. AOC states representatives from the legislature, Public Defender Department, district attorneys, private criminal defense bar and courts have been engaged in a collaborative effort to develop a plan of action to accomplish the goal of ensuring adequate funding to enable the New Mexico criminal justice system to function effectively and appropriately. The idea to seek an appropriation to fund a coordinated workload measurement study arose from the work of this task force.

RLP/yr