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FISCAL IMPACT REPORT

ORIGINAL DATE 2/07/2005

SPONSOR Nava LAST UPDATED _____ HB _____

SHORT TITLE Third Judicial District Drug Courts SB 630

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$400.5	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SB 630 duplicates an appropriation included in the General Appropriations Act.

The bill partially duplicates Senate and House Bill

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
New Mexico Corrections Department (NMCD)
Public Defender (PD)

SUMMARY

Synopsis of Bill

Senate Bill 630, "Third Judicial District Courts" appropriates \$400,500 from the general fund to the Third Judicial District Court for the purpose of supporting the District's drug court program by replacing lapsing federal funds.

FISCAL IMPLICATIONS

The appropriation of \$400,500 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.

SIGNIFICANT ISSUES

The amount requested would replace lapsing federal funds for the District's juvenile and family dependency drug court programs.

Most drug courts in the state demonstrate a lower recidivism rate for offenders who participate in a drug court program than the recidivism rate for those offenders who do not participate in a drug court program. The third district has a 22.6 percent recidivism rate for juveniles and a 5.8 percent recidivism rate for adults. Lower recidivism rates translate into less future court appearances/participant and reduced future incarceration time for participants

The average cost per day for drug court \$69.84/day/participant for 3rd district's juvenile program and \$37.21/day/participant for adults is less than the cost per day for juvenile detention or jail time; however, the length of a drug court program is typically greater (1 year +) than the time an individual would have spent incarcerated.

AOC asserts that, by combining treatment with the coercive power of the judiciary, the drug court model has repeatedly shown through national studies that it outperforms virtually all other intervention strategies for drug involved offenders: recidivism of drug court graduates is much less than for similar offenders, the cost-per-client of drug court participants is significantly less than that for incarceration, and even those who do not successfully complete a program have a greater chance of long-term success due to the longer period of treatment received during their involvement in a drug court program.

The Corrections Department asserted during the 2005 session that minimal savings will be incurred by the Corrections Department through the increase in number and size of drug courts.

According to AOC:

Studies have looked at the cost benefits of drug court programs from a larger perspective, considering not just avoided incarceration costs, but the following comparisons with probationers: (1) drug court graduates' wages are higher during and after drug court than probationers; (2) they work longer than probationers, resulting in higher taxes and FICA payments, lower TANF and food stamps use; and (3) drug court graduates' health care costs and mental health services were significantly lower than those for probationers. Various city and county studies around the country have traced such cost savings for their drug court programs and realized that for every \$1 they spent on their drug court programs they were saving from \$2 to \$10 in other costs.

Other cost savings are realized through the birth of drug-free babies to participants of the drug court programs. There were at least 20 drug-free babies born to program participants in FY05, many of whom would have been drug-affected if not drug-addicted without the mother's participation in the drug court program. Hospitalization and ongoing health care costs for drug-affected or addicted babies are substantial. For example, children with fetal alcohol syndrome can require \$1.4 million in treatment over their lifetime.

PERFORMANCE IMPLICATIONS

AOC contends that incarceration alone has not resolved the problem, because within 3 years of release from prison, approximately 2/3 of all offenders, including drug offenders, are rearrested

for a new offense; 1/2 are convicted of a new crime; and 1/2 are re-incarcerated for a new crime or parole violation.

AOC further contends that court-mandated treatment alone is also insufficient because approximately 70% of probationers and parolees drop out of drug treatment or attend irregularly prior to a 3-month threshold, and 90% drop out prior to 12 months. These thresholds are significant because the Drug Abuse Treatment Outcome Study suggests that 3 months of drug treatment may be a minimum for detecting response effects of the intervention, while 6 to 12 months hold greater promise of a lasting reduction in drug use.

AOC cites that funding included in the appropriation is necessary to the programs' ability to gather the data necessary to calculate and report performance measures.

ADMINISTRATIVE IMPLICATIONS

There would be no administrative effects resulting from this proposed appropriation as the District already has the funding and level of funding proposed, however it is currently federally funded.

OTHER SUBSTANTIVE ISSUES

AOC asserts that national studies show 60 to 80 percent of prison and jail inmates, parolees, probationers, and arrestees are under the influence of drugs or alcohol during the commission of their offense, committed the offense to support a drug addiction, were charged with a drug- or alcohol-related crime, or are regular substance abusers.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 630 duplicates an appropriation included in the General Appropriations Act and partially duplicates Senate Bills and House Bill.

TECHNICAL ISSUES

The appropriation included in this bill already exists in the General Appropriations Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The funding proposed in this bill will still be included in the General Appropriations Act and the federal lapsing funds for the 3rd Judicial District will not be appropriated twice.

POSSIBLE QUESTIONS

1. What criteria are used to determine continuation of funds for these programs?
2. Is the demand for drug courts uniform among those courts requesting new/replacement funding for programs? How does the level of drug court participant-space availability relate to the level of funding requested?
3. What is the average savings per drug court participant when comparing total drug court cost per person to total incarceration/other consequence cost?

4. Have other sources of funding been pursued for any or all of the requested drug courts?
Where courts required to extinguish all funding options before proposing state sponsored funds?

EM/nt