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FISCAL IMPACT REPORT

ORIGINAL DATE 1/25/06

SPONSOR Garcia LAST UPDATED _____ HB _____

SHORT TITLE Study Lifetime Sex Offender Monitoring SM 12

ANALYST Peery

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
Adult Parole Board

No Response Received From

New Mexico Sentencing Commission (NMSC)

SUMMARY

Synopsis of Bill

Senate Memorial 12 request the Department of Public Safety and Corrections Department study the financial and policy implications of instituting an electronic monitoring system for convicted sex offenders, including the wisdom of lifetime monitoring, the classes of sex offenders subject to monitoring and the ability of the departments to monitor sex offenders, and to submit a joint report of the study's findings to the courts, corrections and justice committee at the committee's October 2006 meeting.

FISCAL IMPLICATIONS

NMCD reports the study with no appropriation will have low fiscal impact on the department. NMCD suggests the study should look at personnel costs, replacing damaged equipment costs, and mechanisms for collecting fees from individuals under electronic monitoring.

SIGNIFICANT ISSUES

NMCD states a significant amount of data is currently available from a Florida initiative by a sheriff's agency. NMCD reports the cost of equipment for a passive system is five dollars a day. For an active monitoring system the cost is nine dollars a day for equipment. NMCD states that some monitored individuals are likely to resent the intrusion on their freedom and may intentionally damage the electronic equipment leading to additional costs to replace equipment.

NMCD states the most significant cost of an active monitoring system is personnel. The Probation and Parole offices generally work Monday through Friday during business hours. NMCD reports an active monitoring system will require three shifts of employees to work 24/7 to provide timely responses to alarms generated by the electronic monitoring system. NMCD states the passive monitoring system is more economical, but does not respond in a timely manner to alarms due to the system recording alarms for review at a later time.

ADMINISTRATIVE IMPLICATIONS

NMCD states a staff person from the Probation and Parole Division will need to be designated to coordinate with the Department of Public Safety.

OTHER SUBSTANTIVE ISSUES

NMCD states sex offenses often have a higher media profile than other crimes. NMCD states using life-time electronic monitoring for those released from prison may appeal to popular public opinion. NMCD goes on to say using electronic monitoring in lieu of prison sentences as opposed to those on probation or parole may cause an adverse community reaction.

RLP/yr