

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/07

SPONSOR Maestas and Stewart LAST UPDATED 2/23/07 HB 271/aHAFC

SHORT TITLE Identifying Minors & Dependents Upon Arrests SB _____

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	\$100.0	\$0.0	\$100.0	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Public Defender (PD)
 Department of Public Safety (DPS)
 Children, Youth and Families Department (CYFD)
 New Mexico Municipal League

No Response Received From

Association of Counties

SUMMARY

Synopsis of HAFC Amendment

The House Appropriation and Finance Committee amendment to House Bill 271 removes the appropriation of \$100 thousand and the language regarding the appropriation.

Synopsis of Original Bill

House Bill 271 appropriates \$100.0 from the general fund to the Department of Public Safety for the purpose of developing guidelines, protocols and a training program for law enforcement officers on ensuring child safety upon the arrest of a parent or guardian.

The proposed legislation requires that a law enforcement officer during an arrest inquire whether an individual is a parent or guardian of minor or dependent children who may be at risk because of the arrest. Also, the proposed legislation requires that DPS consult with CYFD to develop guidelines and a training program for law enforcement officers for ensuring child safety upon the arrest of a parent or guardian.

FISCAL IMPLICATIONS

The appropriation of \$100.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

CYFD states the proposed legislation could potentially result in an increase in the number of children coming to the attention of the department who are in need of protection which would translate into increased foster care cost. CYFD reports an estimate of the cost cannot be made as it is unknown how many children will require the department's involvement.

SIGNIFICANT ISSUES

CYFD reports the proposed legislation is consistent with the recommendations of the Governor's Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents.

CYFD states the proposed legislation would require DPS to implement the curriculum and law enforcement would have to implement the provision of identifying minors and ensuring their safety prior to the development of the guidelines and training curriculum.

PERFORMANCE IMPLICATIONS

CYFD states the early identification of children who are left without appropriate parental care as a result of incarceration should improve outcomes for these children. CYFC reports an increase in the number of children in the protective services system could impact the department's performance on percent of children in foster care for 12 months with no more than two placement settings and percent of children who are the subject of a substantiated report of maltreatment within six months of a prior determination.

ADMINISTRATIVE IMPLICATIONS

DPS reports the additional four hours of training would be divided within several blocks of instruction to meet the requirements of the proposed legislation. DPS adds that the program is already within the Law Enforcement Academy in several blocks of instruction, but there is no specific lesson plan in the curriculum.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation is a duplication of Senate Bill 198.

RPG/mt