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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/07

SPONSOR Foley LAST UPDATED \_\_\_\_\_ HB 405

SHORT TITLE DWI Offender Substance Abuse Program SB \_\_\_\_\_

ANALYST Geisler

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$10,000.0	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Department of Health (DOH)  
Corrections Department

### SUMMARY

#### Synopsis of Bill

House Bill 405 appropriates ten million dollars from the general fund to the department of health (DOH) for expenditure in fiscal year 2008 to fund substance abuse programs for driving-while-intoxicated offenders. Any unexpended or unencumbered balance remaining at the end of the year reverts to the general fund at the end of fiscal year 2008.

### FISCAL IMPLICATIONS

DOH notes that funding proposed in House Bill 405 for DWI offender substance abuse treatment is not in the executive budget request for DOH. However, the executive budget recommendation for DOH does include expansion funding of \$5 million for general substance abuse. The Legislative Finance Committee budget recommendation includes \$3 million for the same purpose.

## SIGNIFICANT ISSUES

DOH notes that driving while intoxicated is a serious public health issue in New Mexico. In 2005, New Mexico had the 6th highest alcohol-related motor vehicle fatality rate in the nation.

The Corrections Department notes that if DOH utilizes the money to fund substance abuse programs serving offenders in a Department prison and/or on probation/parole with the Department, the bill could have a significant positive impact on the recidivism rates of such offenders. It could also reduce the number of probation/parole violators. It could ultimately reduce the prison population and probation/parole caseloads, but it is difficult to assess or predict by how much.

The contract/private prison annual cost of incarcerating an inmate is \$23,867 per year for males. The cost per client to house a female inmate at a privately operated facility is \$21,651 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,467 per year. The cost per client in Intensive Supervision programs is \$3,383 per year. The cost per client in department-operated Community Corrections programs is \$3,503 per year. The cost per client in privately-operated Community Corrections programs is \$7,917 per year. The cost per client per year for male and female residential Community Corrections programs is \$39,401.

If some of the money could be used for DWI programs to treat offenders in their communities, this would reduce the need to incarcerate some of these offenders. Further, if some of the money could be used to treat offenders as they leave prison, it would provide a solid continuity of care for them. Continuity of care makes it less likely that these DWI offenders will re-offend and have to be imprisoned in the future.

GG/mt