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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/15/07

SPONSOR Vigil LAST UPDATED \_\_\_\_\_ HB 1116

SHORT TITLE San Miguel DWI-Drug Court Program SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
\$0	\$273.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**Relates to,**  
SB 259, Drug Court Funding & Expansion

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
<b>Total</b>	None	Indeterminable	Indeterminable	Indeterminable	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Bill 1116 would appropriate \$273,000 in general recurring funds to the administrative office of the courts for expenditure in FY08 to implement a DWI-drug court through the magistrate court in San Miguel County. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

**FISCAL IMPACT**

The funds appropriated by HB1116 should fully fund any unidentified costs associated with implementing the proposed program. The LFC believes additional operating funds will not be needed for at least the following three fiscal years.

**SIGNIFICANT ISSUES**

According to the Administrative Office of the Courts, by combining treatment with the coercive power of the judiciary, the drug court model has repeatedly shown through national studies and statewide performance measures 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.

Because of the success of its drug court programs, the New Mexico Judiciary continues working with communities around the state to maintain existing programs as well as establish new drug court programs. In January 2006, The New Mexico Supreme Court approved a 5-Year Plan for Growth of New Mexico Drug Courts (available at [www.nmadcp.org](http://www.nmadcp.org)). That plan has two main goals: (1) to implement a drug court program in every county of the state (there are currently programs in 18 of the state's 33 counties); while (2) providing a predictable and stable funding request to the legislature each year of the plan. FY08 will be the second year of the 5-Year Plan. The Judiciary reviewed over \$3.25 million in drug court requests from courts around the state in preparation for this legislative session, but by applying the priorities outlined in the 5-Year Plan, and focusing on those courts with the greatest need and best preparation to implement state funds, the Judiciary was able to reduce the overall requests to match the \$1.35 million funding cap for FY08 set by the plan.

This drug court funding request was not submitted for review during the Judiciary's unified budget process, and so is not part of the Judiciary's Unified Budget. The judiciary is fully supportive of helping start a DWI-drug court program through the magistrate court in San Miguel county following the guidelines and processes of the 5-Year Plan, which requires the court to apply to the New Mexico Supreme Court's Drug Court Advisory Committee for a determination of how the application fits into the 5-Year Plan as well as the viability of the applicant. The appropriation in HB 1116 did not proceed through this process.

**RELATIONSHIP**

SB 259, Drug Court Funding & Expansion, contains the \$1.35 million drug court funding request vetted and approved as part of the Judiciary's unified budget process.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/mt