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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/07
 LAST UPDATED 3/6/07 HB _____

SPONSOR Kernan

SHORT TITLE Identifying Minors & Dependents Upon Arrests SB 198/aSFC

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	NA	\$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 SFC Amendment

The Senate Finance Committee Amendment for Senate Bill 198 removes all language pertaining to an appropriation from the proposed legislation.

Synopsis of Original Bill

Senate Bill 198 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. 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 House Bill 271.

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