

The proposed legislation increase the maximum fee, as a condition of probation, the district or magistrate court may require a defendant to pay to \$80.00 per month. The county may also require the defendant to pay a fee not to exceed the amount necessary to cover the cost of implementing the monitoring of the defendant who is participating in the Misdemeanor and Felony Compliance Program. The county can choose to waive the fee when the defendant is unable to pay.

FISCAL IMPLICATIONS

AODA states the proposed legislation could become a financial burden for counties, if judges do not enforce the probation fees.

AOC states there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. AOC reports additional fiscal impact on the judiciary would be proportional to the enforcement of this law, commenced prosecutions and new procedures required of the court. AOC notes new laws, amendments to existing laws and new hearing have the potential to increase caseloads in the courts.

SIGNIFICANT ISSUES

NMCD states the Senate Public Affairs Committee amendments to the Senate Public Affairs Committee Substitute for Senate Bill 835 clearly defines that the Misdemeanor and Felony Compliance Program will pertain to only individuals accused or charged with felony crimes and not those convicted of felony crimes. The New Mexico Corrections Department will supervise convicted felons on probation, while the Misdemeanor and Felony Compliance Program will monitor misdemeanor offenders and accused felons.

The county compliance program was created to address the lack of supervision of misdemeanor offenders. AOC reports the county compliance program endorses the belief that effective supervision at this stage might help some offenders to turn their lives around. The program operates under the guidelines issued by the AOC. There are several counties that have not chosen to establish a misdemeanor compliance program.

PERFORMANCE IMPLICATIONS

AOC states the district court's performance measure for clearance rates may be impacted if increased surveillance of felony offenders requires increased amounts of judge and clerk time to dispose of cases.

ADMINISTRATIVE IMPLICATIONS

AOC states there may be an administrative impact on the courts as the result of an increase in caseload and/or the amount of time necessary to dispose of cases.

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