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FISCAL IMPACT REPORT

SPONSOR McSorley ORIGINAL DATE 02/06/07
LAST UPDATED _____ HB _____
SHORT TITLE Restorative Justice Programs SB SJM 2
ANALYST Hanika Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$.1 see narrative			Recurring	Local Governments

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth & Families Department (CYFD)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 2 requests CYFD and the Corrections Department (CD) to incorporate and implement restorative justice programs for juvenile and adult offenders as a method to help heal victims of crime, reduce recidivism, facilitate offender reintegration and provide alternatives to incarceration.

The Memorial further requests CYFD and CD report their progress in incorporating and implementing restorative justice programs for juvenile and adult offenders to the appropriate interim legislative committee by November 1, 2007.

FISCAL IMPLICATIONS

Restorative justice programs are known to reduce costs to the criminal justice system by providing alternatives to incarceration and decreasing judicial caseloads. However, the bill provides no supplemental funding to help address the additional burden placed on CYFD and CD to manage the program.

CYFD has funded restorative justice services in the past in the communities of Ruidoso, Roswell, Albuquerque, Taos, Silver City, and Los Alamos. This program was a "reentry circle" with the victim, relatives, and community representatives in participation. The funding for this

service was through the New Mexico Juvenile Justice Advisory Committee from a federal grant allocated to New Mexico.

SIGNIFICANT ISSUES

Restorative justice programs can provide unique opportunities for the offender, victim, and community to redefine their mutual roles and heal their relationship, in turn easing the anxiety and isolation of re-entry that can lead to re-offense and recidivism. In addition, restorative justice programs are fast becoming a preferred alternative to school suspension, expulsion and juvenile incarceration in the case of young offenders.

PERFORMANCE IMPLICATIONS

This memorial positively impacts the Governor’s Healthy New Mexico policy initiative Task 4.3 - Provide enhanced services for high-risk and high-need individuals.

ADMINISTRATIVE IMPLICATIONS

The bill will have a significant administrative impact on Agency staff and resources.

OTHER SUBSTANTIVE ISSUES

Restorative justice programs typically deal with nonviolent crimes and involve approaches such as victim-offender conferences led by trained facilitators, that allow a victim to meet the offender and discuss both the crime and how the offender will make amends. Another approach is with victim impact panels, which allow victims and perpetrators of similar offenses to meet in groups to discuss the effects of the crimes. Participation by offenders may be voluntary or mandatory and may occur before or after formal sentencing. If an offender complies with a program’s provisions, the charges against them may be reduced or dismissed.

TECHNICAL ISSUES

There is no provision within the bill to require Agencies to obtain an independent calculation of recidivism rates once programs are implemented.

There is also no reference to the AGO’s involvement as usually Assistant District Attorney positions serve as the coordinators of these programs.

ALTERNATIVES

Explore additional federal grant funding available as in the past and secure additional state funding either through this bill or other avenues.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The state may be missing an opportunity to provide alternatives to incarceration, particularly for juvenile offenders.