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FISCAL IMPACT REPORT

ORIGINAL DATE 1/18/08
 SPONSOR Cote LAST UPDATED 2/11/08 HB 33/aSJC
 SHORT TITLE Domestic Violence Treatment Fund Uses SB _____
 ANALYST Lucero

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY08	FY09	FY10		
	(\$0.01)	(\$0.01)	Recurring	Domestic Violence Offender Treatment Fund

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	\$0.01	\$0.01	\$0.01	\$0.01	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act: The LFC recommendation for CYFD included an increase of \$1 million for domestic violence prevention services.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
 Administrative Office of the Courts (AOC)
 Adult Parole Board
 State Treasurer's Office (STO)
 New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Senate Judiciary Committee Amendment

Senate Judiciary Committee amendment to House Bill 33 amends 31-12-11, NMSA 1978 to include the change of the name of the current Domestic Violence (DV) Offender Treatment Fund

to the Domestic Violence Offender Treatment or Intervention Fund in a section of the statute not previously addressed in the original bill.

The amendment also clarifies an existing section of the statute to exclude voluntary domestic violence offenders who are participating in a treatment program paid through the domestic violence offender treatment or intervention fund from having to provide monthly written reports to a presiding judge and probation or parole officer on progress being made.

The amendment corrects technical issues not previously identified in the original bill without much impact to the courts or CYFD.

Synopsis of Original Bill

House Bill 33 amends 31-12-12, NMSA 1978 to change the name of the current Domestic Violence (DV) Offender Treatment Fund to the Domestic Violence Offender Treatment or Intervention Fund. The bill also inserts the word “intervention” throughout the existing statute.

The bill also broadens the definition of “domestic violence offender” to include persons who:

- are referred to the program by a judge, DV special commissioner or the parole board; or
- who volunteer to participate in the program.

The bill authorizes the transfer of funds from the old fund into the new fund.

Finally, House Bill 33 repeals Secs. 34-15-1 and 34-15-2 (NMSA 1978) which also contain language assessing the fees and setting up the fund, as they are repetitive of Secs. 31.12.11 and 31.12.12.

The effective date of the bill is July 1, 2008

FISCAL IMPLICATIONS

There is no appropriation contained in this bill.

The revenue for the Domestic Violence Offender Treatment Fund is generated from a five dollar “domestic violence offender treatment fee” that is assessed in district court, metropolitan court and magistrate court, from a person convicted of a penalty assessment misdemeanor, traffic violation, petty misdemeanor, misdemeanor or felony offense.

The AOC states that there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

The Parole Board states that House Bill 33 may serve to indirectly increase the availability of community services for DV providers and other victim-related services. The latter may benefit from increased sources of funding because DV services, which were previously billed to regular treatment resources, will now be provided for through the specialized DV fund, freeing up extra monies.

New Mexico Corrections Department states that since the bill will likely result in more offenders getting treatment or intervention services for domestic violence problems (probationers and

parolees who volunteer or who are referred by a judge or the parole board), it may slightly reduce recidivism rates and thus the prison population and probation/parole caseloads.

The contract/private prison annual cost of incarcerating an inmate is \$25,455 per year for males. The cost per client to house a female inmate at a privately operated facility is \$25,805 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 \$1,019 per year. The cost per client in Intensive Supervision programs is \$5,151 per year. The cost per client in Community Corrections is \$4,589 per year. The cost per client per year for male and female residential Community Corrections programs is \$25,593.

SIGNIFICANT ISSUES

CYFD strongly supports House Bill 33 which seeks to reduce the occurrence of domestic violence by increasing access to offender treatment and intervention services. Domestic violence transcends all ethnic, racial and socio-economic boundaries. A 2005 statewide victimization survey revealed that one in three New Mexico women and one in seven New Mexico men were victims of domestic violence. The same 2005 survey also indicated that more than 201,267 incidents of domestic violence were reported to have occurred in New Mexico, but only 14% of these incidents were reported to law enforcement. In 2006, approximately 4,766 children were present at the scene of family violence.

The current language in Statute 31-12-12 only references “treatment” services. At present, programs working with domestic violence offenders provide psycho-educational groups that educate offenders on the cycle of violence and the importance of taking responsibility for their behavior. Changes in the language will allow programs to conduct psycho-educational groups with both degreed and non-degreed individuals, which are considered a promising practice with offenders. The revised language would allow more rural areas, which have difficulty hiring licensed treatment providers, to provide intervention services for offenders.

The current language in Statute 31-12-12 limits access to DV offender treatment funds to individuals who are convicted for an offense pursuant to the provisions of the Crimes Against Household Members Act or violation of a protection order. Often times these offenses are pleaded down to lesser charges which makes the individual ineligible for treatment or intervention services under this funding. With the changes in the language to referrals from judges; domestic violence special commissioners; the parole board; or self-referrals, providers will be able to provide intervention and treatment options to a larger, underserved population, which will result in enhanced safety for victims and children.

The amount of funding available for any particular year is based on the revenues generated through fees collected from offenders by the judicial system. The expansion of the individuals who may receive services from the DV treatment fund, without an increase in the associated fee, may result in some referred individuals not being able to receive services or being placed on a waiting list. Agencies who receive awards from CYFD’s other domestic violence funding streams would be able to use this additional funding to supplement the services to domestic violence offenders. In FY07, approximately 3,200 offenders received services from 25 agencies with CYFD funding.

PERFORMANCE IMPLICATIONS

CYFD is currently capturing performance outcomes related to the percent of batterers who complete an offender treatment program. This bill would increase the number of domestic violence offenders eligible to participate in a treatment or intervention program.

Probation and parole supervision services could be improved by providing probation and parole officers with another avenue they can utilize to help obtain domestic violence treatment for probationers and parolees needing that treatment.

ADMINISTRATIVE IMPLICATIONS

CYFD will continue to provide contract administration and monitoring for domestic violence programs including programs that offer offender prevention and intervention services.

More treatment options for domestic violence give probation and parole officers more tools to use in supervising offenders with domestic violence problems. Domestic violence is a common problem among probationers and parolees.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to the General Appropriation Act (GAA or HB2), the LFC recommended an increase of \$1 million for domestic violence services. The source of the increase is the Temporary Assistance for Needy Families (TANF).

OTHER SUBSTANTIVE ISSUES

In 2004, New Mexico ranked in the top six states of 30 reporting in percentages of domestic violence cases. It is important also to note that Native American women experience the violent crime of battering at a rate of 23 per 1,000, compared with 8 per 1,000 among Caucasian women.

AOC understands that the concept in HB 33 has been approved by the governor's domestic violence leadership team.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Offenders that have not yet been charged or convicted for domestic violence may not have access to needed prevention and intervention services.

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