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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/08

SPONSOR Powdrell-Culbert LAST UPDATED _____ HB 136

SHORT TITLE 13th District Mental Health Court Program SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$250.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates,
(SB 214) Mental Health Court Resource Replacement

Relates to,
(SB 63) First District Mental Health Court; (HB 48) 1st District Mental Health Court.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Department of Correction (DOC)
NM Health Policy Commission (NMHPC)

SUMMARY

Synopsis of Bill

House Bill 136 appropriates \$250,000 from the general fund to the thirteenth judicial district for expenditure in fiscal year 2009 to provide staff, contractual services, and other operating costs for an adult mental health court program in the thirteenth judicial district. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

FISCAL IMPLICATIONS

This appropriation is recurring and increases the operating budget of the thirteenth judicial district court.

The cost of incarcerating mentally ill offenders in jail will be reduced substantially due to their

earlier release from jail and effective use of existing resources in the community. The costs of treatment while inmates are incarcerated will be avoided which, while not affecting the court budget, will be a cost avoidance for the counties, since Medicare/Medicaid benefits stop while people are incarcerated.

It is likely that some of the individuals who would be adjudicated under this program would be Medicaid-eligible recipients. If this were the case, any monies used to provide mental health services that are part of the State Medicaid benefit package would be eligible for Federal match. The number of eligible clients and the amount of this impact cannot be readily determined.

The state will likely avoid future costs as the program successfully serves more clients.

Nationally, estimates are that between 6% and 15% of people that in jail have serious mental illnesses. Since there are approximately 150 state prisoners incarcerated in the Sandoval County Detention Center, it is likely that somewhere between 9 and 23 of them would have been potential candidates for diversion and treatment under a mental health court system. At least half of the people in jails have a co-occurring substance abuse addiction and the mental illness frequently needs to be primary treatment emphasis

SIGNIFICANT ISSUES

According to the AOC, this bill reflects a commitment by the Thirteenth Judicial District to address the problem of untreated mental illness and its affect on the community.

This bill funds a mental health program that reduces the incidents of arrest and incarceration of repeat offenders with mental illness using the Court to mandate appropriate treatment rather than incarceration. This appropriation would allow the thirteenth judicial district court to establish and operate an adult mental health court program.

Mental Health courts are part of the growing national trend towards therapeutic justice programs, or problem-solving courts, which are modeled on the nationally successful drug court programs. Like drug courts, mental health courts combine treatment with the coercive power of the judiciary and close supervision to ensure participants adhere to the treatment plan and other program requirements.

As with drug courts, mental health courts require close collaboration between the courts, the public defender's and district attorney's offices. Because of the time demands of such programs, mental health court budgets often include funds for all three agencies. Such programs also require treatment staff, in the form of psychologists or psychiatrists, family counselors, as well as court staff to administer and run the program who are trained for mental health diversion or supervised release services. This legislation is not contained in the judiciary's unified budget, though the unified budget does contain requests for mental health court programs at three other courts: the 1st Judicial District, the 11th Judicial District, and at Bernalillo Co. Metropolitan Court.

PERFORMANCE IMPLICATIONS

FY 08 is the fifth year that the courts are participating in performance based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- cases disposed as a percentage of cases filed
- percent change in case filings by case types
- clearance rate

The success of the program will be measured by tracking the success of treatment and medication compliance and continued checking of court records for recidivism.

ADMINISTRATIVE IMPLICATIONS

There is an immediate administrative impact on the court resulting from added judicial and staff time needed to dispose of these types of cases in keeping with the dictates of the mental health court program. Over the long term, successful treatment of program participants should lead to a decrease in court workload as such participants recover sufficiently to lead more normal, law-abiding lives.

The mental health court program could prevent certain individuals from ever being sentenced to prison or placed on probation or parole for certain crimes, it could reduce the prison population and probation/parole caseloads to a minimal degree.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

(SB 214) Mental Health Court Resource Replacement; (SB 63) First District Mental Health Court; (HB 48) 1st District Mental Health Court.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Mentally ill offenders will remain in jail longer than required due to insufficient staff to arrange for aftercare.

Untreated or inadequately treated mentally ill offenders will likely re-offend. The program will reduce the number of mentally ill offenders who are jailed repeatedly. . . “the revolving door.” This occurrence increases the risk to the community and perpetuates chronic re-entry into the criminal justice system.

CS/mt