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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/22/08

SPONSOR Maestas, A LAST UPDATED \_\_\_\_\_ HB 200

SHORT TITLE Bernalillo Metro Court DWI Supervision SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$391.1	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates, HB 2 (HAFC Draft) includes \$391.1 thousand for the program.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	\$0	\$0	\$11.7	\$11.7	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

The Courts, Corrections and Justice Committee sponsored bill provides for an appropriation of \$391,100 from the general fund to the Bernalillo County Metropolitan Court for expenditure in fiscal year 2009 to fund a probation supervisor, four probation officers, two court clerks and the related costs to enhance supervision of first-time DWI offenders, including targeting high-risk offenders and to track and monitor offenders ordered to have ignition interlock devices installed on their vehicles. Any unexpended or unencumbered funds at the end of FY 09 shall revert to the general fund.

## **FISCAL IMPLICATIONS**

This legislation is part of the judiciary’s unified budget. The appropriation contained in this bill should be incorporated into the Bernalillo County Metropolitan Court’s operating budget. All the funds are recurring.

The initial cost of the program of \$391,100 in fiscal year 2009 is subject to increased costs resulting from any increases in salaries and the costs of benefits for the seven FTEs. The initial cost includes \$349,700 for salaries and benefits for the seven FTEs; \$12,000 for a professional services contract; and other costs of \$29,400.

## **SIGNIFICANT ISSUES**

In fiscal years 2007 and 2008, the New Mexico Traffic Safety Bureau (“TSB”), utilizing pass-through federal grant monies, funded a pilot project for the enhanced supervision of “true” first-time DWI offenders. Funding from TSB for the pilot project will end in 2008.

Prior to the inception of the program, almost all first time DWI offenders – regardless of their individual risks for recidivist conduct – were only subject to unsupervised probation. This program targets high-risk first offenders with active and early intervention to prevent re-offense. Additionally, the program staff track and monitor other defendants and offenders ordered to have ignition interlock.

By the end of fiscal year 2007, the pilot program had monitored and supervised:

- 1,293 first offenders on unsupervised probation;
- 789 first offenders in the enhanced supervision component; and
- 601 defendants on ignition interlock pre-adjudication.

The general fund appropriation is needed to continue this program. The Court projects over 1,000 offenders will be in the enhanced supervision component by the end of FY08.

## **ADMINISTRATIVE IMPLICATIONS**

By the end of fiscal year 2007, the pilot program had monitored and supervised:

- 1,293 first offenders on unsupervised probation;
- 789 first offenders in the enhanced supervision component; and
- 601 defendants on ignition interlock pre-adjudication.

The Court estimates that in excess of 1,000 first-time offenders will be in the enhanced supervision by the end of fiscal year 2008. An additional 1,500 will be being monitored on ignition interlock. Without the appropriation from the general fund, the Court will lack the funding for the seven permanent FTEs.

In addition to supervising the first-time offenders in the enhanced program, the Court’s employees in the First Offender Program also track and monitor defendants who have been sentenced to the State’s ignition interlock program.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HAFC adopted the LFC recommendation for Bernalillo County Metropolitan Court. The LFC recommendation includes \$391.1 thousand for replacement of lapsing funds.

**OTHER SUBSTANTIVE ISSUES**

Without the funding, the Court is unable to supervise first time DWI offenders who are at risk of re-offending. The checks that have been put in place to identify and intervene with those first-time DWI offenders who are most at risk for re-offending will be removed from the system and only repeat offenders will be subject to enhanced supervision. In addition, the Court will lose its ability to monitor all first time offenders who have been sentenced to the ignition interlock program.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Without this program, only repeat offenders will be monitored under the enforcement component of the mandatory ignition interlock statute. With no funding, all first-time DWI offenders will return to the traditional unsupervised first offender program, regardless of their level of risk.

CS/mt