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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/22/08

SPONSOR Maestas LAST UPDATED \_\_\_\_\_ HB 206

SHORT TITLE Background Info for Defendants Posting Bond SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$298.2	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to,  
 HB 2 includes \$50 thousand for a background investigator FTE for Bernalillo County Metropolitan Court.

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

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
<b>Total</b>			Indeterminable			

(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

House Bill 206 provides for an appropriation of \$298,200 in FY08 from the general fund to the Bernalillo County Metropolitan Court to hire staff and related expenses to perform more comprehensive background investigations of criminal defendants posting bond at the Bernalillo County Metropolitan Court or the metropolitan detention center or responding to criminal summonses at the Bernalillo County Metropolitan Court. Unused funds at the end of FY 09 shall revert to the general fund.

## FISCAL IMPLICATIONS

The Bernalillo County Metropolitan Court’s proposed operating budget is as follows:

Four full-time Background Investigators	
One full-time Pretrial Services Supervisor	
Annual cost of the five full-time employees	\$278,100
Education and Training of staff; equipment, Supplies and database fees	\$20,000
	<hr/>
	TOTAL \$298,200

The initial cost of the program of \$298,200 in fiscal year 2009 is subject to increased costs resulting from any increases in salaries and the costs of benefits for the five FTEs.

## SIGNIFICANT ISSUES

According to the AOC, this program would expand the Court’s limited test program, which provides more in-depth background investigations of each defendant during the arraignment and bonding process. The background investigations would help judges determine if a defendant has a criminal history and represents a potential danger and/or flight risk.

The Bernalillo County Metropolitan Court implemented a trial project on approximately one-third of the highest risk cases to provide judges with enhanced background investigations of each defendant arrested on charges of domestic violence (DV) and/or driving while intoxicated (DWI). In addition to reviewing the Court’s own database, searches of various New Mexico state and federal sources were conducted, including the NCIC criminal history database. This trial project resulted in a more thorough background investigation procedure, revealing a defendant’s criminal history from outside of New Mexico.

## PERFORMANCE IMPLICATIONS

The appropriation of \$298,200 will allow the Court to augment its current limited test program and increase community safety by making it possible to hire, train and equip five additional staff members and expand the Court’s background investigation procedures.

## ADMINISTRATIVE IMPLICATIONS

This appropriation will allow the Court to check the following additional records for all criminal defendants:

- Local and national warrants on NCIC;
- Metropolitan Court criminal history;
- NCIC criminal history;
- State of New Mexico probation and parole history;
- Pending federal cases and federal probation;
- State of New Mexico judiciary database; and
- Motor Vehicle Division database.

In addition, the Court would be able to notify other governmental agencies of the new offenses(s) with which any criminal defendant is charged.

**OTHER SUBSTANTIVE ISSUES**

The following table is a representative comparison of the results obtained from the existing test project at the Bernalillo County Metropolitan Court utilizing the enhanced background investigation process. This test uncovered criminal histories that would have gone undetected utilizing the standard background investigation procedure.

CHARGE	CURRENT PROCEDURE	PROPOSED PROCEDURE
DWI 1 <sup>st</sup>	No Criminal History	*14 misdemeanor arrests (8 UT; 2 CA; 2 OK; 1 Cuba, NM; 1 Aztec, NM) *8 DWI arrests *6DWI convictions *5 felony arrests (2 UT; 1 CA; 2 OK) *2 felony convictions
Battery DV	No Criminal History	*12 misdemeanor arrests (2 CA; 10 FL) *3 misdemeanor convictions *6 felony arrests (2 CA; 3 FL; 1 TN) *2 felony convictions *fugitive from justice on homicide charges (TN)
Assault DV	1 Misdemeanor Arrest (DWI NG)	*12 misdemeanor arrests (11 CA; 1 NM) *9 misdemeanor convictions *12 felony arrests (CA) *voluntary manslaughter conviction (CA) *6 felony convictions

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

Status Quo.

CS/bb