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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/08

SPONSOR Powdrell-Culbert LAST UPDATED 1/29/08 HB 271a/HJC

SHORT TITLE Bernalillo County Sex Offender Housing Program SB _____

ANALYST Propst

APPROPRIATION (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Corrections Department (NMCD)

SUMMARY

Synopsis of House Judiciary Committee Amendment

On page 1, line 13, after “PRISON” insert “TO COUNSELING WITH THE RELEVANCY PROGRAM AND THE DEPARTMENT OF CORRECTIONS”.

Synopsis of Original Bill

House Bill 171, Making an Appropriation for a Community Housing Program in Bernalillo County for Sex Offenders and Others Released from Prison, appropriates \$250.0 thousand from the general fund to DFA for the purpose of a sex offender housing program in Bernalillo County.

FISCAL IMPLICATIONS

The appropriation of \$250.0 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall not revert to the general fund.

SIGNIFICANT ISSUES

NMCD notes that Finding appropriate housing for former prisoners, especially convicted sex offenders, and especially in Bernalillo County, is always challenging. Many sex offenders often

serve at least some of their parole terms in prison instead of out in the community because it is difficult for them to obtain an approved parole plan. A parole plan (containing where the person will live, who he will live with, etc.) approved by the parole board is required by law before the convicted offender can serve any of his parole period out of the prison and in a community. By providing housing, this bill could enable more offenders to serve their parole periods in their communities instead of having to remain in prison. If it does, it could lead to a minimal to moderate decrease in NMCD's prison population.

Further, by providing appropriate housing (and the stable environment that usually arises from such housing), this bill makes it more likely that these offenders will not violate their conditions of parole or probation, and will not commit new crimes after completing their periods of probation or parole. This could have a minimal to moderate long-term decrease in NMCD's probation/parole caseloads, as well as to its prison population.

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.

NMCD also notes that it may prove difficult for any housing program that will house sex offenders to become established in the City of Albuquerque/Bernalillo County. The City may use its zoning ordinances in such a way as to make it difficult if not impossible to find an approved location for the housing.

The non-recurring nature of the appropriation may also cause problems. Sex offenders and other offenders who have to move out of the housing program after the appropriation is spent may have a difficult time finding other suitable housing arrangements. These offenders may end up in prison if they fail to cope properly with the loss of their housing.

The appropriation is not clear as to what services it intends to cover-is it only housing, or does it include counseling, job search assistance, etc.? Also, is the community housing program in the form of a housing project, or in the form of finding individual housing for individual offenders? Finally, will the housing be long term or only short term? The exact parameters of the program are not defined in the bill.

ADMINISTRATIVE IMPLICATIONS

NMCD notes that the bill would probably make it easier for NMCD prison and probation/parole staff to place offenders released from prison into suitable housing, and would make it easier for NMCD staff to help secure parole for offenders who previously often had to serve their parole terms in prison (on in-house parole).

There are no programs of this type in the state. There is a small sex offender treatment program (STOP) at the Behavioral Health Institute in Las Vegas, NM; however, there is a waiting list and

the entrance criteria are strict. If this money were appropriated for this program in Sandoval and Bernalillo counties, there would have to be some oversight to ensure that staff is licensed and have appropriate credentials to deal with these offenders.

WEP/bb