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FISCAL IMPACT REPORT

ORIGINAL DATE 02/02/10
 SPONSOR Miera LAST UPDATED 02/08/10 HM 29/aHJC
 SHORT TITLE Policy for Detention of 18-21 Year-Olds SB _____
 ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$10.0-\$20.0		\$10.0-\$20.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Public Defender Department (PDD)
 Human Service Department (HSD)
 Juvenile Public Safety Advisory Board (JPSAB)
 New Mexico Corrections Department (NMCD)

No Responses Received From

Administrative Office of the District Attorneys
 Children, Youth and Families Department
 Department of Public Safety
 Association of Counties

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Memorial 29 adds language requiring the work group to make recommendations to the Courts and Corrections Interim Committee, as well as the secretary of the Children, Youth and Families Department, before November 30, 2010 on changes needed to state law in order to protect the rights and safety of all parties.

Synopsis of Bill

House Memorial 29 requests that the Children, Youth and Families Department convene a group that includes jail and juvenile detention center administrators, youth advocates, and representatives from the following: New Mexico Association of Counties, Administrative Office

of the Courts, Public Defender Department, New Mexico District Attorney's Association, statewide entity for behavioral health, New Mexico Association of Chiefs of Police and New Mexico Corrections Department. Also, the work group is to join with other similar working groups to share resources, research and recommendations and to otherwise coordinate efforts.

The working group is to make recommendation to the secretary of the Children, Youth and Families Department on changes needed to state law in order to protect the rights and safety of all parties.

FISCAL IMPLICATIONS

AOC reported there will be a minimal administrative cost to cover their participation on the work group. The agency noted the fiscal impact is reduced by the requirement that the work group collaborate with similar work groups.

HSD noted there should be minimal fiscal impact from participating in the work group. However, the final recommendations could have significant fiscal impact on all agencies represented in the group, depending on the scope of these recommendations.

SIGNIFICANT ISSUES

CYFD stated that examination and recommendations for changes to the laws of New Mexico to protect the age 18-21 population are necessary. Federal juvenile detention standards require sight and sound separation of youth from adults up to the age 18; however, conditions of confinement and lack of youth and adult sight/sound separation in adult detention centers contribute to the increased potential for suicide, rape and physical abuse to youth age 18-21. The population of youth aged 18-21 years detained in adult jails has been found to be amenable to rehabilitation, but often receive few services, increasing their chances for recidivism and risk to public safety.

HSD reported that behavioral health, mental health and substance abuse, responsibilities were transferred to the Human Services Department, Behavioral Health Collaborative in the 2007 session. As such, any behavioral health services that are identified by the work group for the target population would need to be provided under the eligibility, service and funding requirements of the Behavioral Health Collaborative.

NMCD reported the department would welcome the opportunity to participate in the group and share its experiences and knowledge regarding young offenders. NMCD does have experience incarcerating a limited number of youth (age 18-21) convicted of felonies and sentenced to prison, and understands that this type of offender may have security and programming needs different from older prisoners.

PERFORMANCE IMPLICATIONS

CYFD does have the following performance measures related to recidivism: percent of clients recommitted to a Children, Youth and Families Department facility within two years of discharge from facilities; percent of Juvenile Justice Division facility clients age eighteen and older who enter adult corrections within two years after discharge from a juvenile justice facility; and percent of clients readjudicated within two years of previous adjudication.

HSD's FY10 strategic plan identifies the following strategic goals that relate to the proposed legislation:

- Goal 4: Improve Behavioral Health through an Interagency Collaborative Model:
 - Task 4.2: Reduce adverse impacts of substance abuse and mental illness on individuals, families and communities.
 - Task 4.3: Promote recovery and resiliency for high-risk and high-need individuals with mental illness and/or substance abuse by increasing access to housing, education, employment, transportation and positive social interactions.
 - Task 4.5: Develop New Mexico's behavioral health workforce.

The Behavioral Health Collaborative FY08-FY10 strategic plan identifies the following strategic goals that relate to the proposed legislation:

- Goal II: Reduce the Adverse Effects of Substance Abuse and Mental Illness:
 1. Substance abuse services are recovery-focused, culturally competent, readily accessible, and responsive to consumers' needs.
 2. Persons needing services, no matter where they live, easily access a community-based service system that is recovery-focused, clinically sound, utilizes evidence-based practices, as appropriate, and is culturally competent and responsive to consumers' needs.
 3. High-risk individuals and populations have access to specialized services, which are recovery-focused, culturally competent, and responsive to their needs.

ADMINISTRATIVE IMPLICATIONS

CYFD reported it would absorb the work required to accomplish the memorial with existing resources.

NMCD reported the department can easily absorb any administrative burden caused by assigning one of its employees to participate in the work group.

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