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FISCAL IMPACT REPORT

ORIGINAL DATE 03/09/11

SPONSOR King LAST UPDATED _____ HJM 4

SHORT TITLE Reduce Burden On County Detention Facilities SB _____

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Limited – See Narrative			Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Joint Memorial 4 directs the Administrative Office of the Courts (AOC) to convene a task force and conduct a study to identify ways to increase efficiency and reduce the burden on county detention facilities of housing arrestees held on felony charges or for violations of parole and probation. The study should also consider ways to expedite the judgment and sentencing process, reduce the transfer time of arrestees to prison, expedite the scheduling of probation revocation hearings and identify best practices that maximize the most efficient and effective length of stay for arrestees according to the law.

The task force should include representatives of the NM association of counties, county detention center administrators, the NM district attorney’s association, the administrative office of the district attorneys, the public defender department, the NM criminal defense lawyers association, the NM sentencing commission, the NM sheriffs’ and police association, and other relevant and interested parties.

The AOC shall present the findings and recommendations of the task force to the appropriate interim legislative committee by November 2011

FISCAL IMPLICATIONS

The AOC reports that House Joint Memorial 4 would involve minimal financial cost to the AOC

and the other agencies participating in the study for travel and other costs associated with the study.

SIGNIFICANT ISSUES

As required by Section 33-3-3 NMSA 1978, "the jail or jails in each county shall be used or be available for the detention of every person who, within the same county, is charged with any crime or properly committed for trial or for the imprisonment of every person who in conformity with sentence, upon conviction of an offense, may have been sentenced, and for the safekeeping of every person who shall be committed by competent authority according to law".

Delays and inefficiencies in judicial processes greatly increase the cost to counties for housing such inmates.

In March 2005, the New Mexico sentencing commission released the findings of a study of the effects of housing arrestees charged with felonies in county detention facilities.

The goal of the study was to understand better how long felony arrestees stay in county detention centers and the corresponding costs associated with such stays.

The study found that nearly seventy percent of arrestees held in county detention facilities were charged with at least one felony.

The study also found that more than fifty percent of felony arrestees held in county detention centers spent almost seven and one-half months in jail.

Because felony arrestees represent a large portion of jail populations and stay in jail longer than misdemeanor arrestees, measures to expedite the judgment and sentencing process or hasten the transfer to prison after judgment of felony arrestees in county detention facilities would have a significant effect on detention populations.

According to New Mexico sentencing commission estimates, the cost of housing parole and probation violators in county detention facilities in 2008 was nearly thirty million dollars (\$30,000,000), yet counties receive only a small fraction of that amount in general fund appropriations for that purpose.

In 2007, the legislature passed the County Detention Facility Reimbursement Act, which is designed to reimburse counties for the cost of housing felony arrestees.

The courts can exercise considerable control over how quickly cases move through the court system without sacrificing justice.

The national center for state courts conducted a criminal court case-flow management review of the second judicial district court criminal division, the results of which were released in December 2009.

The review examined best practices to adjudicate felony cases more efficiently and maximize the resources of the court and other criminal justice agencies in Bernalillo County.

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The findings of the review included numerous recommendations for implementation of a comprehensive case-flow case management improvement program that could have statewide application.

Detention facilities statewide would benefit from additional research to analyze the detention process in each county and identify opportunities to reduce delays in getting judgment and sentencing documents signed, reduce delays in transferring arrestees to prison after the judgment and sentencing documents are signed and identify ways to alleviate the burden on county detention facilities of housing unsentenced parole and probation violators.

An examination of how people get into jail, how people leave jail and how long people stay in jail would assist local government officials in conducting effective criminal justice oversight and improve public safety.

GH/mew