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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/11

SPONSOR Miera LAST UPDATED 02/11/11 HJM 17/aHfI#1

SHORT TITLE Resources for People with Mental Disorders SB \_\_\_\_\_

ANALYST Hanika-Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Corrections Department (NMCD)

### SUMMARY

#### Synopsis of HF1#1

The House Floor Amendment #1 requests that the Administrative Office of the District Attorneys, the Administrative Office of the Courts, the Public Defender Department, and the Sheriffs and Police Chiefs Association to the list of stakeholders being requested to participate in the study group.

#### Synopsis of Original Bill

House Joint Memorial 17 requests the interagency Behavioral Health Purchasing Collaborative (BHPC), through the Behavioral Health Planning Council, be requested to convene stakeholders to develop humane and effective strategies to serve people with mental health disorders in order to reduce the number of people with mental health disorders that require law enforcement intervention and to reduce the number of people with mental health disorders in detention centers.

The Joint Memorial asserts the following:

- one of the greatest challenges facing law enforcement agencies and detention centers is how to respond to people who have mental health disorders;

- law enforcement agencies are the first-line responders to people with mental health disorders who are not receiving necessary treatment and care;
- current statute permits people with mental health disorders to be taken to detention facilities for protective custody regardless of whether they have committed criminal acts warranting arrest;
- many people with mental health disorders are held in detention facilities for misdemeanor charges due to a lack of available treatment or community support;
- the burden for addressing mental health issues in New Mexico communities has been left to counties where detention centers have become de facto mental health facilities; and
- few detention centers are equipped to deal with this population;
- individuals with mental health disorders can be traumatized by incarceration;
- the current situation exposes the state and local governments to substantial liability; and
- individual agencies cannot provide the solution to this problem because it is a systemic problem that requires collaboration and development of strategies among federal, state, county and municipal governments as well as health care providers and advocacy organizations.

### **FISCAL IMPLICATIONS**

Agency staff will be requested to participate in the study group and will or will not choose to do using existing staff and resources.

If the study enables individuals who suffer from or who are at-risk for mental illness to have access to mental health treatment, it reduces the likelihood that these individuals will commit criminal acts directly attributable to mental illness. Thus, it could indirectly lead to fewer convictions and a decrease in prison population and probation/parole caseloads.

### **SIGNIFICANT ISSUES**

Mental health services are often difficult to obtain in rural and border areas, more so than in large metropolitan areas.

### **PERFORMANCE IMPLICATIONS**

The requirements of the memorial appear to fall within the statutory duties of the BHPC. The study group will be requested to report its findings to the interim legislative committee by December 1, 2011.

### **ADMINISTRATIVE IMPLICATIONS**

The Joint Memorial further provides that stakeholders include representatives from the New Mexico Association of Counties; the New Mexico Municipal League; the Department of Health; the Human Services Department; the training and recruiting division of the Department of Public Safety; the Aging and Long-Term Services Department; the Corrections Department; the New Mexico Behavioral Health Institute at Las Vegas; the New Mexico Hospital Association; Disability Rights New Mexico; the National Alliance on Mental Illness, New Mexico; and two individuals living with serious mental illness identified by the Interagency Behavioral Health Purchasing Collaborative.

**OTHER SUBSTANTIVE ISSUES**

Formerly known as the Governors' Mental Health Council, the BHPC was established in 2004 as part of House Bill 271. The BHPC is required to:

- advocate for adults, children and adolescent with serious mental illness or severe emotional, neurobiological and behavioral disorders, as well as those with mental illness or emotional problems, including substance abuse and co-occurring disorders;
- report to the Governor and Legislature on the adequacy and allocation of mental health services throughout the state;
- encourage and support the development of a comprehensive, integrated, community-based behavioral health system of care, including mental health and substance abuse services, and services for persons with co-occurring disorders;
- advise state agencies responsible for behavioral health services for children and adults; and
- review and make recommendations on various plans and applications for the comprehensive mental health state block grant and the substance abuse block grant applications, the state plan for Medicaid services, and any other plan or application for federal or foundation funding for behavioral health services.

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

Mentally ill offenders may continue to be convicted and incarcerated in NMCD prisons or placed on probation/parole caseloads in lieu of alternatives.

AHO/bym:mew