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**FISCAL IMPACT REPORT**

SPONSOR:	Cisneros	DATE TYPED:	02/07/00	HB	
SHORT TITLE:	Taos Public Defender Satellite Office			SB	398
				ANALYST:	Pickering

**APPROPRIATION**

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
	\$ 291.7		Indeterminate	Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

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**SOURCES OF INFORMATION**

Administrative Office of the District Attorneys (AODA)

Public Defender Department (PDD)

## **SUMMARY**

### Synopsis of Bill

SB398 appropriates \$291.7 from the general fund to PDD for expenditure in FY2001 to operate a satellite office in Taos County.

### Significant Issues

According to PDD, the eighth judicial district, located in northern New Mexico and Taos county, is presently under-served by indigent defense services. The agency confirms the county has experienced an increase in crime, juvenile delinquencies, gangs and drug abuse. Drug use and trafficking between nearby Rio Arriba county (located in the first judicial district), has led to more filings in district court.

For northern New Mexico including Taos county, PDD services are provided solely by contract attorneys. The agency indicated that these attorneys make a good effort to communicate and serve their clients. However, most of them do not live in the area and travel primarily from out of town to work with a population of incarcerated defendants that is scattered throughout various parts of northern New Mexico. Additionally, many Taos county prisoners are housed in jails located in Las Vegas and Santa Fe .

Recently, a federal civil rights lawsuit was filed against the agency for failing to deliver adequate services to Taos county. Hence, this bill would seek to address both the lawsuit and caseload increases.

## **FISCAL/ADMINISTRATIVE IMPLICATIONS**

SB398 appropriates \$291.7 in general fund for four FTEs for staffing at this satellite office. PDD believes having the office enables it to provide better legal services and representation to the region by having staff live nearby.

AODA also notes the bill would significantly affect the Taos district attorney's office. The agency contends that if PDD acquired two full-time public defenders for the Taos magistrate and district courts, then the district attorney's office could process alcohol related driving offenses and domestic violence cases faster and more efficiently. Currently AODA contends that out of town contract attorneys are unavailable on a regular basis for quick hearings.

## **SUBSTANTIVE ISSUES**

For FY2001, the agency initially proposed funding the office from its nonreverting cash balances. Currently, PDD has received support from both the Taos county district court and district attorney to set up this satellite office. In terms of alternatives, PDD recommended the legislature fund contract legal services at a much higher amount in order to prevent future lawsuits. Coincidentally, AODA also felt the agency could contract with a few more local attorneys to handle caseloads, rather than open a satellite. If the office is not opened, PDD claims that the state will pay huge costs as a result of the federal lawsuit.

RP/prr