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FISCAL IMPACT REPORT

SPONSOR: Hamilton DATE TYPED: 2/11/03 HB 264

SHORT TITLE: Counseling for Domestic Abuse Offenders SB _____

ANALYST: Chavez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
NFI	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 52, HB 257 HB 156

SOURCES OF INFORMATION

Department of Health (DOH)
 Public Defender (PD)
 Administrative Office of the Courts (AOC)
 LFC Files

SUMMARY

Synopsis of Bill

House Bill 264 seeks to expand Section 30-3-10 et.seq. NMSA 1978, the Crimes Against Household Members Act, to provide a new section where a domestic violence offender convicted for the first time shall be ordered by the court to participate in and complete a program of professional counseling at his own expense. The effective date of this bill is July 1, 2003.

Significant Issues

National research and statistics into the nature of domestic violence show that early intervention is important in dealing with domestic violence.

With regard to the professional counseling, there is the question of whether the indigent client population can afford to pay for the treatment. This may result in probation violations and increased expenses for all court agencies.

FISCAL IMPLICATIONS

This bill does not contain an appropriation. However, any additional fiscal impact on the judiciary would be proportional to the enforcement of this law at the time of sentencing and during the defendant's probation period. There could be additional hearings if defendants do not attend counseling. Probation violations comprise a significant obligation to the District Attorney Offices and other court associated agencies. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources for judicial processing.

Additionally, there would be minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

RELATIONSHIP

HB 264 relates to:

- HB156 that proposes to enact a new section of the Crimes Against Household Members Act to allow a hold on an offender arrested for domestic violence for a period of not less than forty-eight (48) hours.
- SB52 that requests an emergency appropriation of \$2,000,000 from the general fund for the Children, Youth, and Families Department (CYFD) for expenditure in fiscal years 2003 and 2004.
- HB257 that proposes to amend sections of the local DWI Grant Program Act to provide money for programs to reduce or prevent the incidence of domestic violence related to alcoholism or alcohol abuse.

OTHER SUBSTANTIVE ISSUES

The following information was provided by the Department of Health.

Data available from the "Incidence and Nature of Domestic Violence in New Mexico:

An Analysis of 2001 Data from The New Mexico Domestic Violence Data Central Repository" indicates that in 2001, there were 19,913 victims of domestic violence who were identified from 26,544 law enforcement incident reports. Incident reports were analyzed for 87 of 133 law enforcement agencies across the states that participate in the repository data collection and surveillance system. In 2000, 16,577 victims of domestic violence were identified from 24,630 law enforcement incident reports.

In 2001, 30 domestic violence service providers served 14,757 new clients across the state. In 2000, 30 domestic violence service providers served 17,164 new clients. Fifty percent (7,309) were adult victims, 28% (4,199) were children and 22% (3,249) were offenders.

In 2001 there were 3,236 reports (less than 15% of the total) that identified a referral source for offenders to go for treatment. 73% of offenders receiving prevention or therapeutic services were referred from adult court and 7% from law enforcement. Those referred by adult court represent a 7% increase from 2000 and those referred by law enforcement represent an 11% decrease from 2000. According to these reports, about 80% of the offenders received counseling,

72% received psycho-education classes and 70% received case management services. Overall the number of offenders served by domestic violence service providers decreased by thirteen percent from 3,746 in 2000 to 3,249 in 2001.

Treatment and counseling programs are essential for all those involved in abusive situations, especially for children who witness domestic violence in order to stop the cycle of violence. The Incidence and Nature of Domestic Violence in New Mexico data show that past victim abuse and/or the witnessing of abuse as a child was documented in 4,655 (64%) of domestic violence provider reports. Of the 2,551 domestic violence provider reports that documented offender abuse as a child, 54% (1,383) experienced such abuse. Over half (53%) of adult victims reported experiencing abuse as a child.

The percent of adult victims (53%) and offenders (54%) in New Mexico that were abused as children is a testament to the validity of research regarding the negative consequences of experiencing abuse in the home as a child.

POSSIBLE QUESTIONS

1. Are there enough counseling programs that are not cost prohibitive for the lower income individuals convicted under the Crimes Against Household Members Act?

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