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FISCAL IMPACT REPORT

SPONSOR: Snyder DATE TYPED: 02/13/03 HB _____

SHORT TITLE: Drug and DWI Replacement Funding SB 92

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$1,978.3			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 90 and SB 91

SOURCES OF INFORMATION

Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Highway and Transportation Department, Traffic Safety Bureau

SUMMARY

Synopsis of Bill

Senate Bill 92 appropriates \$1,777,200 from the general fund to the Administrative Office of the Courts (AOC) for the purpose of replacing federal funds for juvenile and adult drug courts and DWI courts in the 1st, 2nd, 3rd, 6th, 8th, 12th and 13th Judicial District Courts and the Bernalillo County Metropolitan Court.

Senate Bill 92 additionally appropriates \$39,000 from the general fund to the 2nd Judicial District Attorney's Office to replace federal funds for adult drug court.

Lastly, Senate Bill 92 appropriates \$162,100 to the Public Defender Department to replace federal funds for juvenile drug court in the 1st, 3rd, 6th, 8th, and 13th judicial districts.

Significant Issues

1. Various drug courts around the state received “start up” funding through federal grants. Typically, the term of those grants do not exceed three years. With those grants terminating in FY03 and FY04, the courts are requesting replacement general fund monies in order to continue drug court operations.
2. Included in federal grants is funding for capital equipment, such as computers and office furniture. The replacement funding being requested in SB 92 is the same amount as the original grants. Therefore, the replacement request could be lower since capital costs should be reduced from the actual amount now needed. The suggested reduction amount is <\$480.0> which adjusts the total appropriation in SB 92 to \$1,498.3.

FISCAL IMPLICATIONS

The combined appropriations of \$1,978.3 contained in this bill are recurring expenses to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

RELATIONSHIP

SB 90 appropriates additional funding to expand current drug courts and to create new ones in various districts.

SB 91 provides courts with the statutory authority to collect fees from drug court participants.

TECHNICAL ISSUES

All appropriations related to courts are provided directly to the individual courts. It is unknown why SB 92 appropriates funding for various drug courts to the AOC.

The personnel and expenses being funded by this bill are not mentioned or itemized per court. For clarity, additional detail regarding number of FTE per court, treatment costs, capital costs (non-recurring), etc., is needed.

POSSIBLE QUESTIONS

1. In the 1st, 3rd, 6th, 8th and 13th districts, there is replacement funding for court-operated drug courts (see Section 1.A) and funding for Public Defender-operated drug courts (see Section 1.C). Are there duplicate drug courts in these districts? Why is the state being requested to fund both? Why are the courts and the PDD both operating drug courts? Should drug courts solely be administered by the courts?

CMH/njw