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## FISCAL IMPACT REPORT

SPONSOR: Sanchez DATE TYPED: 02/04/03 HB \_\_\_\_\_

SHORT TITLE: Treatment Programs As Parole Condition SB 313

ANALYST: Fox-Young

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1 Unknown		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From  
 Corrections Department (CD)  
 Adult Parole Board (APB)  
 Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 313 amends NMSA 1978 § 31-21-14 regarding action upon return of a parole violator. The bill authorizes the parole board, when it finds the parolee violated a condition of his release regarding use of drugs or alcohol, to refer him to drug or alcohol treatment as a new condition of parole. The bill also makes technical changes to the language in the statute.

#### Significant Issues

The Adult Parole Board’s (APB) authority to refer the prisoner to treatment appears to exist now in the authority to “enter any other order as it sees fit.” NMSA 1978 § 31-21-14 (C). The bill would make that authority explicit.

The Adult Parole Board (APB) reports that it currently refers parolees to treatment programs when they are accepted into those programs. APB further indicates that many treatment facilities run six-month programs, meaning that a parolee must have at least six months remaining on parole to complete those programs. Additionally, APB notes that many drug treatment programs

will not accept violent offenders, sex offenders, or arsonists.

APB reports that while some inmates are willing to attend treatment, many elect to have their parole revoked so that they may instead serve time with the Corrections Department (CD). The Board indicates that once an inmate's parole is revoked, he begins earning good time at CD and finishes his sentence in less time than he would parole.

CD indicates that the department is working aggressively toward implementing release mechanisms in its prisons. As part of this effort, CD is focusing on reducing the number of prisoners who finish their terms in prison, a direction that is in line with this bill. Action by the parole board to redirect parolees to substance abuse treatment programs would have a positive effect on the department's success in this area.

### **FISCAL IMPLICATIONS**

CD notes that this bill could result in a minimal decrease in costs to the department if APB elects to order treatment for more parolees, rather than return then returning them to prison.

### **POSSIBLE QUESTIONS**

Is substance abuse programming at the Department of Health sufficient to meet the needs of the parolee population?

Do parolees have an incentive to return to prison rather than attend treatment programs (based on administrative policy currently in place)?

**JCF/sb**