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FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 03/06/03 HB _____

SHORT TITLE: Teen Court Act SB 819

ANALYST: Hayes

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$0.1	See Narrative	Recurring	Unknown

(Parenthesis () Indicate Revenue Decreases)

\$0.1 = Revenue amount unknown

Relates to HB 521, HB 875, SB 486, SB 719 and SB 782

SOURCES OF INFORMATION

Responses Received From
 Administrative Office of the Courts (AOC)
 Department of Health (DOH)

SUMMARY

Synopsis of Bill

Section 1 of SB 819 creates a Teen Court Act, establishes guidelines for teen court operations in New Mexico and provides for the administration of teen courts by the Administrative Office of the Courts. Other provisions of the bill are outlined below:

Section 2: Contains definitions used in the Teen Court Act such as “minor offense” and “teen jury.”

Section 3: Organizations that want to sponsor a teen court program need to seek approval from the Director of the AOC on its program guidelines, whether or not they receive funding from the state’s general fund. Teen court programs must follow the guidelines approved by the AOC and report program data to the AOC. This bill establishes what information must be included in the guidelines.

Section 4: Teens can be referred to teen court in lieu of prosecution or payment of a penalty assessment if they meet eligibility requirements.

Section 5: Program guidelines need to identify the persons or agencies that can refer teens to a teen court program. Referrals can be made by a judge, an assistant district attorney, a school, or a law enforcement supervisor or referral guidelines adopted by the school, law enforcement agency or other referring entity identified in the program guidelines.

Section 6: The criteria for entering the teen court program is outlined in this section. There are a number of procedural safeguards for juveniles referred to a teen court, including notice to the teen and his or her parents, consent by both the teen and a parent or guardian, and the teen's or guardian's ability to withdraw consent at any time.

Section 7: Proceedings of a teen court shall be conducted in the same manner as a sentencing hearing is conducted in a state court.

Section 8: Teen court proceedings shall be confidential and cannot be admitted or used in any way against the teen if the offense is pursued in children's court, a school disciplinary proceeding or in any other forum by the referring agency.

Section 9: Teachers and students shall be permitted to credit their time spent participating in teen court as instructional time.

Section 10: A teen court advisory committee will be established to advise the AOC and teen courts on policy matters. The AOC will establish guidelines for the operation of teen courts, allocation of available funds, accounting for funds by each teen court and standard program evaluations. The bill allows for teen court programs to obtain funding from other sources, including assessing a fee of not more than \$20.00 from each participating teen offender.

Significant Issues

1. *What is Teen Court?* Teen court is a program designed for first-time teen offenders to keep their records clean. A jury composed of local teens does not decide innocence or guilt of an offender, but assesses the sentence of the offender. The offender must openly admit commission of a delinquent act in front of the teen jury. If the offender admits to a delinquent act, accepts the "sentence" of the teen jury and successfully completes it, then the delinquent act is dismissed and the offender pays no fine.
2. There are currently 22 teen courts in operation around New Mexico. Start-up funding has been provided by the state to districts or counties in the past, but the expectation is that counties, schools, volunteers, municipalities or other community-based organizations will provide continued support for teen court programs. Many of them have received funding from DFA's DWI grant program by the Local Government Division. There are only two remaining who still receive state general fund monies.
3. In FY00, the Teen Court Association in New Mexico developed guidelines and procedures for teen courts statewide. These guidelines were approved by DFA and require that all teen courts comply with these guidelines in order to receive DWI grant funding.

4. Virtually all of the teen courts are administered by either the county or municipality in which they operate. The question is posed whether the State of New Mexico should be outlining teen court policies and procedures to counties and municipalities whose programs have been operating for years and who already have guidelines established.
5. Pursuant to the provisions in the bill, AOC is now being given the responsibility for policy development, program monitoring and evaluation of teen courts. However, the bill provides no resources or staff to carry out those responsibilities. AOC stated in its analysis that *“without resources, the AOC will not be able to carry out any of the duties imposed by this bill.”*
6. No performance data has been provided to the LFC regarding the number of teen court participants, rate of teens completing the program, if offenders commit additional delinquent acts, etc.; therefore, the level of success of teen court is unknown.

FISCAL IMPLICATIONS

Although there is no appropriation associated with SB 819, this bill authorizes a \$20.00 fee to be collected from teen court participants. The estimated revenue from this fee is unknown.

RELATIONSHIP

HB 521, Taos Teen Court
HB 875, Santa Fe County Teen Court
SB 486, Taos Teen Court (duplicates HB 521)
SB 719, Local DWI Grant Fund Distribution
SB 782, Santa Fe Teen Court (duplicates HB 875)

TECHNICAL ISSUES

Although Section 10.B allows for a fee to be assessed and collected, the bill does not make an appropriation to an agency for those fees, nor does it create a fund into which the fees should be deposited or credited or indicate how the fees may be expended.

CMH/lr:yr