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FISCAL IMPACT REPORT

	ORIGINAL DATE 1/19/06		LAST UPDATED _____	HB _____
SPONSOR	Leavell			
	New Mexico Sentencing Commission Workload			
SHORT TITLE	Study	SB	34	
				ANALYST Medina

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$152.0	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to a Special Appropriation in the 2005 General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 34 appropriates \$152.0 from the general fund to the New Mexico Sentencing Commission to contract for a workload measurement study of the Public Defender Department, district attorneys and state courts. The bill requires that the Sentencing Commission update the study not less than every five years following completion of the initial study.

FISCAL IMPLICATIONS

The appropriation of \$152.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

SIGNIFICANT ISSUES

In FY05 the Supreme Court's Criminal Justice Task Force directed the Sentencing Commission to conduct or seek a contractor with whom to collaborate on a comprehensive workload assessment of the adjudication portion of the criminal justice system. The LFC recommended and the Legislature appropriated \$200.0 to the Sentencing Commission as a special appropriation in

FY06 to conduct a workload study of the Public Defender Department, district attorneys and the courts.

According to the Public Defender Department, because this study would be performed by an outside entity experienced in this field, the data would be collected in a manner that allows the Legislature to compare New Mexico's funding level with the funding levels of other states. Finally, because the data would be collected by county and judicial district, the results of the study would enable each of the agencies to allocate their existing resources in a meaningful manner.

OTHER SUBSTANTIVE ISSUES

According to the Public Defender Department, one of the Sentencing Commission's mandated purposes is to provide the Legislature with accurate information about proposed changes in state sentencing statutes, and without meaningful data on the fiscal impact of those proposed changes the Sentencing Commission cannot make reliable recommendations to the Legislature.

POSSIBLE QUESTIONS

What contributions have the courts, district attorneys and Public Defender Department made to the study?

Who are the possible contracted third parties that may conduct the study?

DXM/mt