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FISCAL IMPACT REPORT

ORIGINAL DATE 1/25/06

SPONSOR Garcia, MJ LAST UPDATED _____ HB _____

SHORT TITLE Dona Ana Mental Health Court SB 136

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$250.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 136 appropriates \$250,000 from the general fund to the 3rd Judicial District Court, Dona Ana Magistrate Court and city of Las Cruces Municipal Court (\$162,000), 3rd Judicial District Attorney (\$44,000) and Public Defender Department (\$44,000) for the purpose of providing salaries and operating costs for officers of a mental health court.

FISCAL IMPLICATIONS

The appropriation of \$250,000 contained in this bill is a 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

There is currently one district with a mental health court, the 2nd Judicial District in Bernalillo County. The Bernalillo County Metropolitan Court also has a mental health court.

Mental health courts have a similar strategy as other “problem solving courts” such as drug courts and combine treatment with the “coercive power of the judiciary” and close supervision, according to AOC.

AOC asserts that mental health courts require treatment staff, such as psychologists or psychiatrists and family counselors as well as court staff to administer and fund the program who are trained for mental health diversion or supervised release services. In light of these requirements, AOC reports that the bill does not propose sufficient funding at the district, magistrate, and municipal courts to start such a program. AOC estimates that the \$162 thousand proposed to appropriate to the courts would fund a program director and psychologist but would not fund treatment services or other positions.

The proposed program is not part of the judiciary’s unified budget proposal.

According to the Department of Health, the Forensic Intervention Consortium of Dona Ana County, a community organization which the Behavioral Health Services Division (BHSD)/DOH helped start, has been active in working on local mental health and law enforcement issues. DOH asserts that the Consortium is seeking the establishment of a mental health court, and that it would be “likely to succeed.”

PERFORMANCE IMPLICATIONS

Performance measures and targets have not yet been established for mental health courts. Ideally, mental health courts would reduce recidivism rates for participants and have a lower cost than incarceration resulting in overall lower costs to the state and local governments and a healthier population.

ADMINISTRATIVE IMPLICATIONS

A mental health court program would increase the administrative responsibilities of the 3rd Judicial District.

AOC predicts added judicial and staff time needed to dispose of mental health court cases; the agency also states that ideally a mental health court would reduce workload for courts as a successful program would allow participants to recover and lead more law-abiding lives.

OTHER SUBSTANTIVE ISSUES

It is not clear how districts qualify for unified budget inclusion for programs such as mental health courts.

It is not clear what the relationship between the district, magistrate and municipal courts is proposed to be; for example, whether the three entities would share personnel or treatment services.

It is not clear what relationship the Forensic Intervention Consortium of Dona Ana County would have with the proposed mental health court.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If Senate Bill 136 is not enacted, funding for a mental health court will not be appropriated in FY07.

POSSIBLE QUESTIONS

1. What factors were considered to determine Dona Ana's need and preparedness for a mental health court?
2. What is the proposed relationship between the district, magistrate and municipal courts in the coordination of the plan? Would there be a shared director?
3. Why wasn't this program proposed to the judiciary budget council to gain support as a part of the unified budget?
4. What involvement would the Forensic Intervention Consortium of Dona Ana County have in the development of the proposed mental health court?

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