

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Sanchez, B. ORIGINAL DATE 2/4/06 HB \_\_\_\_\_  
LAST UPDATED \_\_\_\_\_  
SHORT TITLE 2<sup>nd</sup> Judicial District Mental Health Program SB 139  
ANALYST McSherry

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$250.7	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Senate Bill 139 relates to Senate Bill 136.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 139 appropriates \$250,700 from the general fund to the 2<sup>nd</sup> Judicial District Court for the purpose of funding salary and benefits for a mental health diversion services supervisor, a family counselor, probation officers, mental health supervised release specialists and a judicial specialist in an adult mental health program in the second judicial district.

### FISCAL IMPLICATIONS

The appropriation of \$250,700 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

The cost of incarcerating mentally ill offenders in jail will be reduced substantially due to their earlier release from jail and effective use of existing resources in the community.

The state will likely avoid future costs as the program successfully serves more clients.

## SIGNIFICANT ISSUES

The mental health program at the 2<sup>nd</sup> Judicial District has only existed during fiscal year 2006; it received funding during the 2005 legislative session for a program director and court psychologist.

According to the 2<sup>nd</sup> District Court, the funds included in Senate Bill 139 would not be sufficient to hire all the positions proposed (family counselor, probation officers, mental health supervised release specialists and a judicial specialist). The court asserts that the amount which would fully fund all the positions is \$488.2 thousand.

The purpose of the mental health program would be to reduce the incidents of arrest and incarceration of repeat offenders with mental illness using the Court to mandate appropriate treatment rather than incarceration.

The program could avoid future costs to the State by using court supervision rather than probation and prison.

The program would provide services to families including parental training, and mental health education; clients would also be referred to other community service providers.

According to AOC:

- Referrals are made by criminal justice agencies, treatment providers, law enforcement, private attorneys and the community; (i.e., family members).
- All referrals are presented to the mental health court team for eligibility review and acceptance into the program.
- Individuals accepted into the program voluntarily enter into a plea or diversion agreement before a judge.
- Participants are strictly supervised in order to ensure compliance with the Court's orders which include mandatory treatment.
- Program participants must appear before a Judge every month to report on their compliance. They are accompanied by the assigned court supervision specialist and their case manager.
- If a person fails to comply, he or she could be immediately incarcerated for noncompliance.
- An acknowledgment ceremony is conducted for participants completing the program. For many, completion and acknowledgment is an uncommon experience. Participants receive a certificate of completion signed by the judge and the supervising agent.

## PERFORMANCE IMPLICATIONS

The judiciary has not proposed performance measures and targets for the mental health court in the 2<sup>nd</sup> District.

The desired outcome of the program would be the reduction in recidivism for participants in the program and reduced mental health-related crime.

The AOC suggests that the bill could have an impact on the measures of the district courts in the following areas: cases disposed as a percentage of cases filed, percent change in case filings by case types, and the clearance rate.

AOC suggests that the success of the program would be measured for two years by quarterly contact with defendants through the mental health specialist. The health specialist would track success of treatment and medication compliance, and would continue to check court records for recidivism.

### **ADMINISTRATIVE IMPLICATIONS**

Passage of the bill would result in the short term increase in the amount of administrative workload for the agency as the number of FTEs in the Second District Court would increase.

Reduction of recidivism of crime related to mental health problems could result in long term reduction of administrative workload.

According to AOC, the funds would significantly increase the viability of the Mental Health Program. A long-term impact will be the effect the program will have on the ten local collaborating government agencies that are associated with the program.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 139, relates to Senate Bill 136, “Doña Ana Mental Health Court.”

### **TECHNICAL ISSUES**

The funding level proposed in this bill would be insufficient to fund all the positions included in the appropriation’s purpose.

### **ALTERNATIVES**

The bill could be amended so that the number of personnel funded and the amount of funding made available would correspond.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The mental health program in the 2<sup>nd</sup> Judicial District will not be expanded.

According to AOC, mentally ill offenders will remain in jail longer than required due to insufficient staff to arrange for aftercare. The AOC further asserts that untreated or inadequately treated mentally ill offenders will likely re-offend. This occurrence increases the risk to the community and perpetuates chronic re-entry into the criminal justice system.

### **POSSIBLE QUESTIONS**

1. What has the first phase of the mental health court accomplished in its first six months of existence?
2. What is the capacity for participant of the current mental health court at the 2<sup>nd</sup> Judicial District?
3. How many potential participants in mental health court at the 2<sup>nd</sup> District are unable to participate due to the current program’s size?
4. What number of participants would be able to participate should the program be expanded?

5. If the amount in the bill is received, how many of the proposed positions would be funded? Which positions would the funded positions be?
6. What other community service providers would be/are involved in the mental health court?

EM/nt:yr