

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

ORIGINAL DATE 2/4/06

SPONSOR Taylor LAST UPDATED _____ HB _____

SHORT TITLE 11th Judicial District Adult Drug Courts SB 144

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$1,170.6	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Senate Bill 144 relates to House Bill 182.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Corrections Department (CD)

SUMMARY

Synopsis of Bill

Senate Bill 144, "11th Judicial District Adult Drug Courts" appropriates \$1,170,600 from the general fund to the 2nd (\$1,065,600) and 11th (\$105,000) judicial district courts for the purpose of replacing corrections department adult drug court staff salaries and benefits, treatment programs and equipment.

FISCAL IMPLICATIONS

The appropriation of \$1,170,600 contained in this bill is a 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.

The Corrections Department currently houses, and is budgeted for, the personnel associated with the adult drug courts in the 11th and 2nd judicial districts.

It is not clear whether the phrase “replace corrections department adult drug court staff salaries and benefits, treatment programs and equipment” means that the positions currently held in the Corrections Department would be transferred to courts, or whether the positions would remain in corrections and the courts would hire new personnel to replace those currently housed in the Corrections Department.

According to AOC the appropriation contained in Senate Bill 144 would fund the salary and benefits for 9 drug court FTE as well as treatment and operating costs in the 2nd Judicial District. The courts have assumed no fiscal impact to the courts to continue to receive training through the Department of Corrections Training Academy.

SIGNIFICANT ISSUES

Corrections asserts that, should the bill allow the department to retain the FTEs currently associated with the drug court programs that the bill would have a positive effect on the department because the department would transfer the FTE elsewhere within the Probation and Parole Division in order to decrease the Division workloads.

If Corrections would lose the employees associated with the drug courts through this bill, the Department contends that it would prefer to maintain oversight of the drug court programs.

The adult drug court in the 2nd District consists of 2 district judges, 1 probation supervisor, and 7 probation officers. The program has a capacity for 210 cases and as of January, 2006, 869 people have graduated from the programs. AOC reports that the program has a 3-year re-arrest rate of 6.94 percent.

AOC contends that continuity of the 2nd Judicial District’s program has diminished due to a high rate of turnover caused by low pay by the Department of Corrections.

PERFORMANCE IMPLICATIONS

The bill could result in increased performance for the Corrections department if the officers associated currently with the drug courts were returned to CD caseload rather than drug court caseload. The enactment of the bill could result in increased drug court performance if the court employed their own personnel at the proposed higher rate as there would likely be a reduced turnover rate.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 144 relates to House Bill 182 which would increase funding for statewide drug courts.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The probation officers involved in the 2nd and 11th judicial district would remain those employed by the Corrections Department.

POSSIBLE QUESTIONS

1. Who currently manages the officers employed by corrections but assigned to the drug courts in the 2nd and 11th judicial district courts?
2. Is the intent of the bill to maintain the Corrections Department personnel and to increase the personnel funded through the 2nd and 11th judicial districts resulting in a net FTE increase?

EM/mt