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FISCAL IMPACT REPORT

ORIGINAL DATE 1-13-07

SPONSOR Swisstack LAST UPDATED _____ HB 739

SHORT TITLE New Mexico Juvenile Justice Commission SB _____

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$500.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

Relates to Appropriation in the General Appropriation Act

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Juvenile Parole Board (JPB)

Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 739 appropriates five hundred thousand (\$500,000) from the general fund to Children, Youth and Families Department for expenditure in fiscal year 2008 to continue the operation of the New Mexico juvenile justice commission.

FISCAL IMPLICATIONS

The appropriation of five hundred thousand (\$500,000) contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2008 shall revert to the general fund.

The appropriation in this bill is not part of Children Youth and Families Department's request and is not included in the Executive recommendation for Children Youth and Families Department.

CYFD states that in August, 2006, when the agency budget request was being developed, the implementation of the Juvenile Justice Commission had not yet been identified or agreed upon as an important response strategy to juvenile justice reform. Therefore, the Commission was not included in the CYFD budget request for FY08.

The Juvenile Justice Commission is not a commission established in statute; therefore, it is unclear the nature of relationship between CYFD and the entity being referred to as a commission. CYFD has entered into a contractual relationship with this entity and it is unknown what the official structure or obligation of the state is to this entity.

SIGNIFICANT ISSUES

The ability of the agency to contract for advisory services exceeding \$20,000 without a competitive bid process warrants a review. It is unclear if the commission is a governmental entity, private entity, or non-profit; therefore it is unclear the type of contractual relationship CYFD has with the entity being referred to as a commission.

CYFD states that the purpose of the Commission is to provide a comprehensive review of existing probation and facility services and practices nationwide, as well as current practice in New Mexico, including administrative responsibilities; develop best practice recommendations to reduce administrative duplication while assuring quality services; and in consultation with CYFD, to develop a plan to implement recommendations.

CYFD states that the Commission will assist CYFD to address the community-level and system requirements of the ACLU agreement, and thereby to improve the quality, efficiency, and effectiveness of the juvenile justice system and to avoid a possible class action and consent decree. The purpose of the Commission is to provide a comprehensive review of existing probation and facility services and practices nationwide, as well as current practice in New Mexico, including administrative responsibilities; develop best practice recommendations to reduce administrative duplication while assuring quality services; and in consultation with CYFD, to develop a plan to implement recommendations.

PERFORMANCE IMPLICATIONS

The commission might have an impact to the following performance measures as cited in the current Juvenile Justice Commission contract:

- Percent of clients who complete formal probation.
- Number of children in community corrections programs.
- Percent of re-adjudicated clients.

- Percent of re-adjudicated clients on parole.
- Number of JJS facility clients age 18 and older who enter adult corrections within two years post-discharge from a juvenile justice facility.

Improving juvenile justice system may result in fewer adults involved in the criminal justice system.

ADMINISTRATIVE IMPLICATIONS

None identified for CYFD from the development of the Commission. Specific recommendations arising from the work of the Commission may have future fiscal and administrative impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None at this time

TECHNICAL ISSUES

The contractual relationship between the entity being referred to as a commission and CYFD should be reviewed.

OTHER SUBSTANTIVE ISSUES

State statutes provide for the expenditure of state funds for the following items related to boards, non-salaried public officers, and public employee mileage reimbursement:

Section 10-8-3(G) of the Per Diem and Mileage Act defines "public officer" to include "members of advisory boards appointed by any state agency...." Section 10-8-4(A) provides that non-salaried public officers are to receive \$95/day per diem or reimbursement for actual expenses. Section 10-8-4(D) says that public officers can also get mileage at 32 cents/mile.

This entity being referred to as Juvenile Justice Commission is not a commission by statute, is not an official advisory board, and is not comprised completely state employees so the nature of the State's obligation to pay the entity's expenditures is not clear or known.

ALTERNATIVES

None proposed by the agency

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The newly created entity may not be able to pay members per diem, mileage, etc