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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/10

SPONSOR King LAST UPDATED _____ HB HJM 42

SHORT TITLE Felony Arrestees in County Facilities SB _____

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1.0*		\$1.0*	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

* ee Fiscal Implications

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Public Defender (PD)

NM Sentencing Commission (NMSC)

Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

House Joint Memorial 42 directs the Administrative Office of the Courts (AOC) to convene a task force and conduct a study to identify ways to increase efficiency and reduce the burden on county detention facilities of housing arrestees held on felony charges or for violations of parole and probation. The study will also consider ways to expedite the judgment and sentencing process, reduce the transfer time of arrestees to prison, expedite the scheduling of probation revocation hearings and identify best practices that maximize the most efficient and effective length of stay for arrestees according to the law.

House Joint Memorial 42 – Page 2

The task force will include representatives of the NM association of counties, county detention center administrators, the NM district attorney's association, the administrative office of the district attorneys, the public defender department, the NM criminal defense lawyers association, the NM sentencing commission, the NM sheriffs' and police association, and other relevant and interested parties.

The AOC shall present the findings and recommendations of the task force to the appropriate interim legislative committee by November 2010.

FISCAL IMPLICATIONS

There will be a minimal cost to the AOC and the other agencies participating in the study for travel and other costs associated with the study. The exact amount is not known.

SIGNIFICANT ISSUES

Overcrowding appears to be a persistent problem in the county jails. The AOC, PD, and AODA will provide insight into this problem, particularly by addressing the delay that sometimes occurs in processing a defendant's transfer to the Department of Corrections.

According to the PD, it is important that the task force distinguish between pre-trial and post-sentencing incarceration, so that clients are not shipped off to some remote part of the state with no access to their attorneys before trial.

NMCD agrees that strong efforts should be made to resolve the counties' jail population and costs problem, "but not by increasing the costs to NMCD and not by increasing the population of NMCD prisons." NMCD would welcome the opportunity to participate in the task force as one of the other relevant and interested parties delineated in the memorial, and hopes that it gets that opportunity.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mew