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FISCAL IMPACT REPORT

ORIGINAL DATE 01/22/10
LAST UPDATED 02/06/10 **HB** _____

SPONSOR Ortiz y Pino

SHORT TITLE Create NM Domestic Violence Commission **SB** 26/aSPAC/aSFI#1

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		*Minimal	*Minimal	*Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*The majority of participating state agencies have absorbed mileage and per diem costs.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Public Defender Department (PDD)
 Aging and Long-Term Services Department (ALTSD)
 Department of Health (DOH)
 Children, Youth and Families Department (CYFD)
 New Mexico Corrections Department (NMCD)
 Crime Victims Reparation Commission (CVRC)
 Department of Public Safety (DPS)
 Administrative Office of the District Attorneys (AODA)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of SFI#1 Amendment

The Senate Floor amendment adds to the purpose of the commission the study of possible inequities in the treatment and disposition of males involved in domestic violence.

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment adds three additional members to the New Mexico Domestic Violence Leadership Commission, bringing the commission to a total of twenty-six members. The additional members are as follows: a domestic violence survivor nominated by the New Mexico Coalition Against Domestic Violence, a representative from a children's advocacy organization, and a representative from a gay and lesbian organization.

Synopsis of Original Bill

Senate Bill 26 creates the New Mexico Domestic Violence Leadership Commission to be administratively attached to the Children, Youth and Families Department. The commission will consist of twenty-three members appointed by the governor. The members will consist of representatives from the following: the Office of the Governor, Department of Public Safety, judiciary, Corrections Department, law enforcement agency, New Mexico Legal Aid, Department of Health, New Mexico Coalition Against Domestic Violence or an equivalent organization, Southwest Women’s Law Center or an equivalent organization, Coalition to Stop Violence Against Native Women or an equivalent organization, Crime Victims Reparation Commission, New Mexico Intimate Partner Violence Death Review Team, and Aging and Long-Term Services Department. Also, members will include the attorney general, state senator appointed by the senate president pro tempore, state representative appointed by the speaker of the House of Representatives, secretary of the Children, Youth and Families Department, president of the New Mexico District Attorney’s Association, chief public defender, director of the New Mexico Interpersonal Violence Data Central Repository, a community representative, and two rural domestic violence service providers.

The commission is to meet at least six times annually for the purpose of conducting business. The purpose of the commission includes the following:

- Identify domestic violence services that are lacking or in need of improvement and provide recommendations to the secretary of Children, Youth and Families Department and the governor to enhance the quality and efficiency of services statewide.
- Develop strategies for addressing issues of domestic violence and raising public awareness.
- Review laws, regulations and policies related to domestic violence to assess their effectiveness and recommended changes.
- Report annual before October 1st to an appropriate legislative interim committee and the governor on domestic violence policy issues.

FISCAL IMPLICATIONS

Senate Bill 26 notes that commission members are not to be paid, but will receive per diem and mileage as provided in the Per Diem and Mileage Act.

CYFD reported it would absorb the expenses for operation of the commission in the current domestic violence budget at an estimated expenditure of \$15,000 from existing resources.

AOCA reported there would be minimal fiscal impact due to the cost of per diem and mileage to have a representative on the commission.

NMCD reported the proposed legislation could indirectly help the department if it ultimately leads to better domestic violence prevention, counseling and other services statewide which resulting in a minimal to moderate reduction in the number of offenders sentenced to prison and/or placed on probation or parole for violating domestic violence laws.

SIGNIFICANT ISSUES

DOH stated that in regards to the amendment to Senate Bill 26, recent studies have indicated that

domestic violence has serious effects on children, such as poor health, depression, poor performance in school and a link to future victimization or perpetration of these offenses. Having a children's advocate organization on the commission will enhance its effectiveness. DOH noted the addition of the survivor of domestic violence on the commission will enhance the perspective of this body and ensure that unintended consequences for victims of abuse will be considered when planning statewide initiatives. Also, the addition of a representative from a gay and lesbian organization will enhance the perspective of the commission. According to recent studies domestic violence occurs in same sex relationships nearly as frequently as in heterosexual relationships. However, this population faces unique barriers to reporting and seeking service.

CYFD noted the broad-based representation on the commission is intended to maximize resources and prevent duplication of efforts by ensuring all key stakeholders viewpoints are recognized and initiatives are well thought out with broad based support. This has allowed the commission to successfully gain support for enacting domestic violence laws that help victims in accessing legal and workplace remedies that can assist them in living free from abuse. The Domestic Violence Leadership Commission developed and supported the following legislation enacted in the 2009 legislative session:

- Laws 2009, Chapter 225 – added a new section to the Crimes Against Household Members Act making it a crime to intentionally deprive or damage the property of a household member.
- Laws 2009, Chapter 14 – requires employers to give leave to employees who are domestic abuse victims for the purpose of securing an order of protection or otherwise to protect their rights.
- Laws 2009, Chapter 21 – changed the definition of stalking, making it unlawful to knowingly or intentionally engage in a pattern of conduct directed at a specific individual when the offender knows or should know that such conduct would cause a reasonable person to fear for personal safety or the safety of a household member.

ALTSD reported the proposed legislation would codify into law the Domestic Violence Leadership Commission which was created by Governor Richardson through Executive Order 2007-041. ALTSD noted that the commission would not have the authority to change regulations affecting domestic violence; however, it will be expected to make recommendations to state agencies that have such authority. Also, the department noted while there are multiple groups that work in the domestic violence area, the Domestic Violence Leadership Commission has a comprehensive membership capable of advancing a broad and diverse statewide agenda.

ALTSD reported older adults and adults living with a disability may be victims of domestic violence at some point in their life. As the designated agency on aging under the federal Older Americans Act, ALTSD is mandated to support elder abuse prevention which includes domestic violence.

AODA stated the creation of the commission would serve to coordinate the efforts of all the different agencies and groups who are working to reduce the incidences of domestic violence, and thus potentially increase their collective effectiveness and efficiency in addressing this issue.

PERFORMANCE IMPLICATIONS

CYFD has the following performance measures regarding domestic violence:

- Percent of adult victims or survivors receiving domestic violence services who have an individualized safety plan – FY09 actual 72.5 percent.
- Percent of domestic violence offenders who complete a batterer’s intervention program – FY09 actual 60.4 percent.
- Percent of adult victims or survivors receiving domestic violence services who are made aware of other available community services – new performance measure.

ALTSD noted the proposed legislation aligns with Governor Richardson’s performance accountability outline for a healthy New Mexico goal of improving outcomes for vulnerable individuals and families by enforcing “zero tolerance” of abuse, neglect and exploitation.

ADMINISTRATIVE IMPLICATIONS

CYFD reported the department has provided administrative support to the commission since 2007.

AOCA noted there would be an administrative impact on the courts associated with time spent by staff on the commission.

DOH noted it would have a representative on the commission and the representative would attend meeting and participate in commission activities.

NMCD reported the department should be able to absorb without great difficulty any administrative effect or burden the proposed legislation might have, such as the NMCD member attending commission meetings and working on commission business.

OTHER SUBSTANTIVE ISSUES

PDD reported it supports any initiative tending to improve the overall operation of the criminal justice system and to prevent recidivism.

NMCD supports better and more readily available community services for both domestic violence perpetrators and victims. Such services could ultimately reduce NMCD prison population and probation/parole caseloads by reducing domestic violence related crimes. NMCD noted that as a general rule, domestic violence perpetrators must receive high quality counseling and services or they are very likely to continue committing domestic violence crimes.

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