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FISCAL IMPACT REPORT

ORIGINAL DATE 02/28/11

SPONSOR HLC LAST UPDATED _____ HB 471/HLCS

SHORT TITLE No CYFD Employee as Juvenile Board Chair SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Sentencing Commission (NMSC)
Children, Youth and Families Department (CYFD)

No Responses Received From

Juvenile Public Safety Advisory Board (JPB)

SUMMARY

Synopsis of Bill

The House Labor and Human Resources Committee substitute for House Bill 471 amends Section 32A-7A-2 NMSA 1978 and Section 32A-7A-5 NMSA 1978 in the following ways:

- Adds language stating that no fewer than three and not more than seven members can be appointed by the governor to the Juvenile Public Safety Advisory Board; and
- Adds language stating an employee of the Children, Youth and Families Department cannot be designated to service as chair or vice chair of the Juvenile Public Safety Advisory Board.

SIGNIFICANT ISSUES

CYFD noted regarding the House Labor and Human Resources Committee substitute for House Bill 147 that due to decreased funding for the Juvenile Public Safety Advisory Board there are only three appointed members to the board. Currently, statute requires seven members for the Juvenile Public Safety Advisory Board. CYFD reported the proposed legislation would ensure

that only having three members does not violate statute, while simultaneously ensuring that there are a minimum number of members to effectively carry out the duties of the board.

The mission of the Juvenile Public Safety Advisory Board is to provide citizen oversight, review programs and initiatives, and make recommendations to CYFD on all matters relating to adjudicated youth program operations; conduct onsite facility inspections and visits; and ensure the appropriate care and treatment services are being provided to youth.

CYFD noted that currently the governor appoints all members of the Juvenile Public Safety Advisory Board, as well as designating which appointee will be the chair. The chair then is authorized to appoint two members to be regional vice chairs, if he or she so desires. The only qualifications on who may be a member of the Juvenile Public Safety Advisory Board are that they be persons qualified by education or professional training in such fields as criminology, education, health, psychology, psychiatry, law, social work or sociology for children and youth, and that the membership be reasonably representative of the various geographic regions of the state. There are no current restrictions on who may be appointed as a member. The proposed legislation restricts Children, Youth and Families Department employees from being designated by the governor to be chair, or designated by the chair to be vice chairs on the board.

NMSC noted the Juvenile Public Safety Advisory Board currently consists of seven members, and funding for the operations of the board have been sharply reduced in recent years. The proposed language makes it possible to reduce the number of members who serve on the board, which would make it easier to operate with a reduced budget.

NMSC stated the role of the Juvenile Public Safety Advisory Board is to provide Children, Youth and Families Department with information and recommendations regarding the operation of the juvenile justice system administered by the department. This includes advising the department on release decisions for delinquent offenders in the care and custody of the department. Given the role played by the advisory board, it is appropriate that its chair and vice chairs not be Children, Youth and Families Department employees.

ADMINISTRATIVE IMPLICATIONS

CYFD noted the House Labor and Human Resources Committee substitute for House Bill 147 reduces the need for administrative support from the department as a result of fewer board members.

RPG/bym