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FISCAL IMPACT REPORT

SPONSOR <u>SFC</u>	ORIGINAL DATE 02/22/11	LAST UPDATED 03/15/11	HB _____
SHORT TITLE <u>Allow Inmate Telecomm Use Fees</u>			SB <u>96/SFCS/SFI#1/ aHCPAC</u>
		ANALYST	<u>Haug</u>

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	\$0.0	Recurring	Victim Notification Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 55

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	\$1,000.0	\$1,000.0	Recurring	Victim Notification Fund

(Parenthesis () Indicate Revenue Decreases)

Duplicates HB 55

SOURCES OF INFORMATION

LFC Files

Responses Received From

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Amendment limits the provision to include charges for the victim notification fund in a contract for inmate telecommunication services to no later than June 30, 2013.

Synopsis of SFI#1

Senate Floor Amendment #1 removes the exemption from the jurisdiction of the Public Regulation Commission for contracts entered into under the bill.

Synopsis of Original Bill

Senate Finance Committee Substitute for Senate Bill 96 permissively allows for inclusion of a victim notification fee of no more than three thirty-five cents per telephone call in a contract to provide inmates with access to telecommunications services in a correctional facility or jail. The fee is in addition to any other fees provided in the telecommunications services contract. Contracts, including contracts concerning the administration of the victim notification fund, would not be subject to the jurisdiction of the public regulation commission. Calls between inmates and their counsel would not be subject to the victim notification fee.

The telecommunication service provider is responsible for collecting the fee and transmitting it to the state treasurer for credit to the victim's notification fund, a new fund.

Senate bill 96 would provide an ongoing funding mechanism for the state wide automated victim notification system (VINE) presently being implemented throughout the state under Department of Justice grants.

FISCAL IMPLICATIONS

AODA has calculated that based on current inmate phone usage in jails throughout the state, the 35 cent per call maximum fee would generate a gross amount of just over 1 million dollars per year, once such charges are included in all county jail telecom contracts. The AODA anticipates revenue generated will pay for the VINE vendor (the largest part of the fee revenue), 3 FTEs to oversee the state wide operation of the system and any IT updates necessary to maintain the integrity of the program.

Senate Bill 96 authorizes appropriations from the Victim Notification Fund, but makes no appropriation for FY 12 from any fund. The state wide automated victim notification system (VINE) is presently being implemented throughout the state with an expectation that most counties will have implemented the system by the end of FY 11.

The VINE system was acquired through a grant, with supplements, from the Department of Justice totaling approximately \$1.6 million. Operational costs for this program were not requested in the AODA's FY 12 budget request.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

SIGNIFICANT ISSUES

The AODA notes that the purpose of SB 96 is to collect revenues from inmate phone fees to fund recurring expenses to operate the state wide automated victim notification system (VINE). The AODA notes further that while VINE was designed to benefit victims, it can provide notice to offenders, their families, law enforcement, prosecutors, defense counsel, courts, CYFD, witnesses, bail bondsmen, etc.

When only the first 9 jails in New Mexico were active, the VINE system made nearly 30,000

notifications in a single month. Each one of these could otherwise represent a phone call by a staff person or received by a jail, court or DA office, all of whom are working under staffing shortages.

Under the New Mexico Constitution, only victims of enumerated crimes have the right to victim notification. With the use of VINE, every victim in New Mexico will have the ability to receive notification.

Since the VINE system provided automated phone, email and text notification to ALL users in the criminal justice system we anticipate this system will reduce the number of phone calls to and from several state agencies including courts, DAs, Public Defenders.

VINE saves taxpayers money by eliminating the need to manually notify victims, allowing staff to focus on their core responsibilities; victim advocates currently mail notices to victims each time a change occurs in their case. Districts report that 40-50% of these notices are returned undelivered and that advocates spend nearly half of their work time on notifications. This cost staff hours, supplies and postage – and limits the protections envisioned by victim notification.

The court notification module also automatically calls all parties to courts cases when cases have been postponed, settled, etc.

Provides potentially life-saving services to families and crime victims at no cost to the victims or to taxpayers

Victims can interface with VINE in multiple languages

VINE generates millions of notification calls each month

VINE automatically notifies crime victims, offenders' and their families and attorneys on both sides when an inmate is about to be released from jail.

VINE also automatically calls all parties on all court events.

The CVRC strongly supports this bill, and states that it is vital that the Victim Notification Program have financial sustainability so that victims can continue to be notified of release of their offenders. The Victim Notification Program saves victims and/or their families from being revictimized. This ultimately will save the lives of victims and/or their families in the State of New Mexico.

DUPLICATION

Senate Finance Committee Substitute for Senate Bill 96 and House Taxation and Revenue Committee Substitute for House Bill 55 as amended are duplicates.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

According to the AODA, the large system, which was built with federal dollars, already in operation in about 32 of 33 New Mexico counties and is expected to be fully rolled out by June 2011, will cease to operate.

GH/bym