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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 02/05/14  
**SPONSOR** Varela **LAST UPDATED** \_\_\_\_\_ **HB** 212

**SHORT TITLE** Santa Fe Law Enforcement-Assisted Diversion **SB** \_\_\_\_\_

**ANALYST** Boerner

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	\$200.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications	See Fiscal Implications			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 176, Santa Fe Law Enforcement-Assisted Diversion  
 Relates to HJM 15, Study Pre-booking Diversion Program

#### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Corrections Department (NMCD)  
 City of Santa Fe

#### SUMMARY

##### Synopsis of Bill

House Bill 212 appropriates \$200 thousand dollars from the general fund to the Local Government Division of the Department of Finance and Administration for law enforcement – assisted diversion in the city of Santa Fe.

## **FISCAL IMPLICATIONS**

The appropriation of \$200 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2015 shall revert to the general fund.

NMCD reports that it is difficult to assess this bill's fiscal impact because the bill does not define the term "diversion" or exactly how the money will be used. The term "diversion" normally is used to refer to a program which diverts criminal offenders accused of certain crimes (first offenses or certain other crimes designated as less serious) out of the incarceration/probation/parole process by allowing these offenders to complete counseling or other court ordered services or programs. If the offenders successfully complete those services or programs, they are not convicted of a crime and/or are otherwise able to avoid being sentenced to prison or placement on probation or parole.

Therefore, diversion programs in theory could prevent certain adult offenders from being incarcerated in a NMCD prison or placed on probation/parole with NMCD, saving NMCD and the state those costs.

The classification of an inmate determines his or her custody level, and the incarceration cost varies based on the custody level and particular facility. The average cost to incarcerate a male inmate is \$38,537 per year in a state-owned and operated prison, and the average annual cost in a privately operated prison is \$29,386 (where primarily only level III or medium custody inmates are housed).

The cost per client in Probation and Parole for a standard supervision program is \$2,678 per year. The cost per client in Intensive Supervision programs is \$7,206 per year. The cost per client in Community Corrections is \$1,539 per year. The cost per client per year for female residential Community Corrections programs is \$30,135 and for males is \$22,197, although these programs usually last only six months for an offender.

## **SIGNIFICANT ISSUES**

The City of Santa Fe endorses this bill as it supports Santa Fe Resolution No. 1011-66 which established the Law Enforcement Assisted Diversion ("LEAD") Task Force with the purpose of collaborating regionally and across different areas of focus to explore and recommend long-term solutions in a community strategic plan for addressing the issues arising from persons who are addicted to drugs and alcohol.

The LEAD task force recommended law enforcement assisted diversion, a "pre-booking" diversion program. The Santa Fe LEAD task force defined a pre-booking diversion program as one that identifies low-level drug offenders for whom probable cause exists for an arrest, and redirects them from jail and prosecution by providing linkages to community-based treatment and support services. The task force noted that this program could be a model for the nation for addressing a serious public safety and public health issue. City of Santa Fe is reportedly committing \$100 thousand in fiscal year 2014 and \$200 thousand in fiscal 2015 to this program.

**TECHNICAL ISSUES**

On line 20, the term “unencumbered” is no longer used; it should be deleted or possibly replaced with “unobligated.”

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Santa Fe law enforcement-assisted diversion program will be supported with funds the City of Santa Fe has committed and without additional state funding.

CB/svb