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## FISCAL IMPACT REPORT

SPONSOR: Gonzales DATE TYPED: 02/24/03 HB 521

SHORT TITLE: Taos Teen Court SB \_\_\_\_\_

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$55.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 486

### SOURCES OF INFORMATION

Responses Received From

Department of Finance and Administration, Local Government Division

Department of Health (DOH)

### SUMMARY

Synopsis of Bill

House Bill 521 appropriates \$55.0 from the general fund to the Local Government Division of the Department of Finance for the purpose of funding the Taos County teen court program.

Significant Issues

1. Teen court is a program designed for first-time teen offenders to keep their records clean. A jury composed of local teens does not decide innocence or guilt of an offender, but assesses the sentence of the offender. The offender must openly admit commission of a delinquent act in front of the teen jury. If the offender admits to a delinquent act, accepts the “sentence” of the teen jury and successfully completes it, then the delinquent act is dismissed and the offender pays no fine.
2. For FY02, a legislative appropriation totaling (\$55.0) was made to the 8<sup>th</sup> Judicial District Court in Taos to fund a teen court program. The court did not originally request this

funding and did not want the responsibility of teen court. District courts are prioritizing drug court operations instead. In subsequent years, the 8<sup>th</sup> Judicial District Court has not requested funding for this program. As a result, the Taos County teen court has had to seek funding elsewhere.

3. DFA's Local Government Division responded to LFC's request for analysis on HB 521 by stating "This is not appropriate for Local Government Division to administer [teen court] but by the Administrative Office of the Courts." It appears neither the court nor the Local Government Division believe it is a function of their agency.
4. Teen courts exist in other jurisdictions around the state, but are usually funded by either the county or municipality in which it operates. LFC does not believe teen court is a function that the State of New Mexico should permanently fund although it acknowledges the merits of the program's goal. Start-up funding has been provided by the state to districts or counties in the past, but the expectation is that counties, schools, volunteers, municipalities or other community-based organizations will provide continued support for teen court programs.
5. No performance data has been provided to the LFC regarding the number of teen court participants, rate of teens completing the program, if offenders commit additional delinquent acts, etc.; therefore, the level of success of teen court is unknown.
6. According to DOH, there are currently 22 teen courts in operation around New Mexico. Many of them have received funding from the DFA/DWI program (in addition to county and municipal funding). It may be that local municipal courts are the most appropriate to fund and administer teen court programs since they mainly involve misdemeanor violations. Perhaps the Taos County teen court could also apply for funding from DFA's DWI program to support it.

## **FISCAL IMPLICATIONS**

The appropriation of \$55.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY04 shall revert to the general fund.

## **POSSIBLE QUESTIONS**

1. Why is state funding being requested for a county-sponsored program? Since the state provided Taos County with start-up money several years ago, why is the county requesting continued funding year after year? Why aren't county funds or municipal court funds being sought to support teen court?
2. What is the success rate of teen court? How many teenagers have appeared in teen court during the last fiscal year? What is the most common type of offense being reviewed by teen court?

CMH/njw