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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/22

SPONSOR Cadena/Lane LAST UPDATED \_\_\_\_\_ HM 11/aHGEIC

SHORT TITLE Study Unified Jail & Prison System SB \_\_\_\_\_

ANALYST Mulvaney

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

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
New Mexico Corrections Department (NMCD)

#### No Response Received

New Mexico Association of Counties (NMAC)

### SUMMARY

#### Synopsis of HGEIC Amendment

The Government, Elections and Indian Affairs Committee amendment to House Memorial 11 adds the following language:

1. on page 1, lines 13 and 14, strike “TRANSITIONING DETENTION FACILITIES FROM INDIVIDUAL COUNTY OPERATIONS TO”
2. ON PAGE 3, LINE 5, STRIKE “transitioning the state to”.
3. On page 3, line 5, after “system” insert “and other strategies and efficiencies”.

#### Synopsis of Original Bill

House Memorial 11 requests the New Mexico Association of Counties (NMAC) convene a task force of stakeholders, including representatives from NMAC, the Corrections Department, and the Administrative Office of the Courts (AOC), to study the costs, benefits, and feasibility of transitioning the state to a unified jail and prison system.

There are 27 county-operated adult detention facilities in New Mexico. The operational capacity of the adult detention facilities range from 10 detainees and inmates to 2,160 detainees and inmates. The programs and services vary widely from county to county. The taskforce will look at the benefits and problems of moving to a statewide, unified jail and prison system where records could be shared and resources could be saved through economies of scale.

HB11 further requests that the task force report its findings to the appropriate interim legislative committee by December 1, 2022.

Copies of the memorial are to be transmitted to the executive director of the NMAC, the director of AOC and the Secretary of NMCD.

### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for transmittal of the memorial to the proposed task force participants. Any additional fiscal impact would be related to the participation of personnel in the task force and its affairs.

### **SIGNIFICANT ISSUES**

As per AOC:

1) In September of 1997, the National Institute of Corrections released its report, “A Review of the Jail Function Within State Unified Corrections Systems.” The report includes the following findings within the section titled, “Advantages and Limitations of State Unified Corrections Systems”:

**Advantages.** In interviews with DOC administrators in the states with unified systems, administrators cited the following advantages of unified corrections systems over county jail systems:

- Corrections administrators can directly influence decisions made by state legislatures. While county jail administrators tend to be completely dependent on decisions made at the state level, in a unified system there is no “dumping” on the local level.
- Resources can be evenly distributed throughout the state. In most states, some jurisdictions are wealthier than others, which influences the extent of resources available for local corrections services. A unified corrections system relies on direct funding from the state and allocates funds appropriately to counties or other jurisdictions around the state.
- Economies of scale are possible. Cost savings result from centralizing many functions, programs, and purchases.
- Leadership flows from the governor to the commissioner of corrections, creating consistency. All branches of government can work together.
- State oversight provides better quality control and improves public safety. In contrast, some county jails are well run; others are not.
- There is increased professionalism because those in a unified system are not elected.
- Needs can be examined system-wide by judges, the legislature, and the governor.

**Limitations.** Administrators in the unified systems identified the following as ways in which unified corrections structures may be less effective than county jail systems:

- Counties can sometimes make things happen more quickly. In state systems, practices sometimes get entrenched and there may be less flexibility.
- Even with state-level administration, it is important—and sometimes difficult—to respond to the needs of the communities in which jails are located.
- All jail resources must come from the state; there is no support from local revenues.
- State systems sometimes suffer from in-breeding, or a lack of new leadership, within the corrections agency.

See <https://nicic.gov/sites/default/files/014024.pdf> .

### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. It does not appear that this bill will have an impact on the following measures of the district courts:

- Cases disposed of as a percent of cases filed.
- Percent change in case filings by case type.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SM6 is a duplicate memorial.

JH/al/acv