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LT

AGENCY BILL ANALYSIS

Section I: General Information

RECEIVED

<u> </u> Draft	<u> </u> Date	<u> </u> Correction
<u> </u> Original	<u> </u> Date	<u> </u> Amendment
		<u> </u> Substitute

JAN 28 1999

BILL IDENTIFICATION: LEGISLATIVE FINANCE COMMITTEE
 House Bill # 262 Sponsor: _____
 Senate Bill # _____ Sponsor: _____

Short Title: Appropriation for Intermediate Sanctions

Reviewing Agency: Criminal and Juvenile Justice Coordinating Council

Person Writing Analysis: Christopher Birkbeck Date: 1/28/99 Phone: 277-4257

Section II: Fiscal Impact

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY99	FY2000	FY99	FY2000		
\$ 0.0	\$ 2,667.2	\$ NFI	\$ (6,900.0)	* Recurring	* General
\$ _____	\$ _____	\$ _____	\$ _____	* _____	* _____
\$ _____	\$ _____	\$ _____	\$ _____	* _____	* _____

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY99	FY2000			
\$ _____	\$ _____	\$ _____	* _____	* _____
\$ _____	\$ _____	\$ _____	* _____	* _____
\$ _____	\$ _____	\$ _____	* _____	* _____

(Parenthesis () Indicate Revenue Decreases)

Section III: Relationship To Other Legislation

Duplicates/Conflicts with /Companion to/Relates to: HB 225, HB 226, HB 227

Attachment

HB 282: FUNDING INTERMEDIATE SANCTIONS

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

The bill appropriates \$2,355,000 from the general fund to the community corrections division of the corrections department to fund: 40 new spaces in halfway houses, 40 new spaces in day reporting centers; 120 new spaces in in-state residential drug treatment facilities and 60 new spaces in intensive supervision probation. Ninety-six thousand dollars are appropriated for corrections department staff to enhance the monitoring and review of community corrections contracts. Two hundred sixteen thousand one hundred eighty dollars are appropriated to the public defender department to hire social workers to facilitate assessment and placing of offenders who are sentenced to intermediate sanctions.

b) Significant Issues

This funding for new spaces in intermediate sanctions is related to the proposed Sentencing Standards Act (HB 225), which would divert some fourth degree property and drug felons from imprisonment to alternative forms of punishment and supervision.

2. FISCAL IMPACT

2.1 APPROPRIATIONS

House Bill 225 (Sentencing Standards Act) proposes presumptive sanctions for most of the felony offenses in the criminal code. Using sentencing data from the district attorneys' case management system, we estimate that the Sentencing Standards Act would lead to a 20% reduction in new admissions to prison during any given year. Based on figures provided by the corrections department, a 20% reduction in new admissions to prison would affect approximately 348 offenders during fiscal year 2000. It is therefore appropriate that these offenders be placed in intermediate sanctions (quasi-incarceration, intensive supervision, etc.). The typical length of stay in an intermediate sanctions program is nine months, following which offenders are transferred to more traditional probation programs. Therefore, 260 new spaces in intermediate sanctions would be needed to accommodate 350 offenders in a given year. These spaces would need to be funded in future years. The types of intermediate sanction to be funded are as follows:

INTERMEDIATE SANCTIONS

A) HALFWAY HOUSE

Description:

Private sector, short-term (six months minimum, one year maximum) residential facilities for high risk and need offenders, offering: room and board, 24 hour behavior monitoring, supervision plan, treatment programming and monitoring; vocational/educational needs assessment and referral; substance abuse testing and monitoring; community reintegration preparation. Offenders perform community service and/or provide restitution. Following completion of the term at the halfway house, offenders may be sent to intensive supervision probation, followed by regular probation.

Currently available:

- Dismas Charities, Las Cruces, 40 slots under contract to Community Corrections.
- Dismas House, Albuquerque, 10-12 slots under contract to Community Corrections.

Estimated cost:

\$37.00 per offender per day (\$13,500 per slot per year)

Provisional Recommendation:

Add 40 slots in Albuquerque (Note: 10 slots for women; no slots to be used for parolees; slots available for all regions of the state; contract should include provisions for transporting offenders to and from the program).

Total cost: \$540,000

B) DAY REPORTING CENTERS

Description:

Privately run centers that allow offenders to stay home at night while having to report to the center during the day. Offenders can receive substance abuse counseling, group

therapy, job development, personal skills development, and other kinds of intervention. Victim restitution and community service are generally obligatory.

Currently available:

- Peregrine Corrections, Gallup, 40 slots under contract to community corrections.
- Peregrine Corrections, Grants, 25 slots under contract to community corrections.
- Peregrine Corrections, Los Lunas, 30 slots under contract to community corrections.
- Peregrine Corrections, Rio rancho, 30 slots under contract to community corrections.

Estimated cost:

\$14.50 per offender per day (\$5,250 per year)

Provisional Recommendation:

Add 20 slots each in Gallup and Los Lunas.

Total cost: \$210,000

C) RESIDENTIAL DRUG TREATMENT

Description:

Private sector, short- or medium-term (three, six months or one year) residential facilities. Programs provide a highly structured living environment, combining work, study, group meetings and therapy sessions. Treatment is organized in several phases from orientation and diagnosis through to community reintegration.

Currently available:

New Mexico has no residential drug treatment facilities available for offenders, nor does the Department of Corrections contract with out-of-state providers.

Estimated cost:

Given that no residential drug treatment programs are currently under contract to the Department of Corrections, there is no available estimate of the current cost. However, the Delancy St. program, which used to contract with DOC, costs about \$20.55 per day (\$7,500 per year). An example of long-term treatment with full therapy is the Peer-1 Therapeutic Community in Denver, which costs \$43.00 per offender per day (\$15,700 per year).

Provisional Recommendation:

Contract with a private provider for residential drug treatment, 120 slots. Location is not important. (Note: contract should include provisions for transporting offenders to and from the program.)

Total cost: \$1,440,000 (assuming \$12,000 per slot per year).

D) INTENSIVE SUPERVISION PROBATION

Description:

A form of probation imposing stringent conditions, such as frequent monitoring, stricter controls of offenders' privileges and expanded requirements for participation in drug and alcohol programs. Random tests are used to enforce these requirements. Other conditions are the payment of victim restitution and supervision costs, and community service. Offenders complete six months to one year of intensive supervision probation before transferring to regular probation.

Currently available:

500 slots, in most areas of the state, except Santa Fe and Farmington.

Estimated cost:

\$7.50 per offender per day (\$2,705 per slot per year, including electronic monitoring). With estimated treatment costs of \$1,850 per year, total cost is \$4,555 per slot per year. (Note: approximately 66% of supervision costs can be recouped from statutory program payments. Thus, supervision costs about \$900 per slot per year. Supervision and treatment costs therefore total \$2,750 per year.)

Provisional Recommendation:

Add two intensive supervision probation officers (with 20 ISP slots each) in: Albuquerque, and one intensive supervision probation officer in Las Cruces (20 slots). Total: 60 slots.

Total cost: \$165,000.

SUPPORT STAFF FOR CHANNELING OFFENDERS TO INTERMEDIATE SANCTIONS AND MONITORING INTERMEDIATE SANCTIONS

The bill proposes the following appropriations for staff to assist in the expansion of intermediate sanctions:

E) SOCIAL WORKERS

Contract six social workers for the public defender's office to facilitate assessment, evaluation and placing of offenders who are sentenced to intermediate sanctions in the 4th, 6th, 7th, 8th, 10th and 13th judicial districts. None of these public defender offices currently has a social worker.

Total: \$216,180

F) COMMUNITY CORRECTIONS STAFF

Add one Planner II, one financial specialist III and one Corrections Administrator I to the community corrections division at the corrections department to monitor and review community corrections contracts.

Total: \$96,000

2.2 SAVINGS

The appropriation of \$2.66 million is designed to provide an additional 260 slots (with an average 9 month stay) in intermediate sanctions to accommodate an estimated 348 offenders who would not be sentenced to prison under the Sentencing Standards Act. The cost of keeping 348 offenders in prison for a year (at an average of \$27,500 per prisoner per year) is \$9,570,000. Moreover, at an estimated building cost of \$65,000 per bed, it would require \$22,620,000 to build the beds for these prisoners. Balancing the House Bill 282's appropriation for \$2,667,180 to expand intermediate sanctions against these costs therefore represents a net savings of \$6.9 million in prison beds (and an additional \$22,620,000 if these beds have to be built).

3. ADMINISTRATIVE IMPACT

This bill would not affect the Criminal and Juvenile Justice Coordinating Council's administrative operations. If the bill is passed, the corrections department and the public defenders department will require additional personnel to supervise the expanded intermediate sanctions programs (as outlined in the previous section). If the bill is not passed, but House Bill 225 (Sentencing Standards Act) is passed, approximately 350 offenders would be channeled to non-prison sanctions but there would not be the appropriate level of supervision and type of program to accommodate them.

4. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

The Criminal and Juvenile Justice Coordinating Council considers House Bill 282 to be a companion of the proposed Persistent Violent Offender Act (HB 226), the Sentencing Standards Act (HB 225), and the Earned Time Act (HB 227). The Persistent Violent Offender Act is designed to send repeat serious violent offenders to prison for longer periods of time. The Earned Time Act requires violent offenders to serve at least 85% of their sentence. The Sentencing Standards Act provides for presumptive prison for violent and other serious offenders, and would divert some fourth degree property and drug felons to alternative sanctions. The Intermediate Sanctions Act (HB 282) provides funding for 260 slots to accommodate diverted offenders. Cumulatively, these acts represent the Council's sentencing package that would: a) provide for more frequent imprisonment, for longer periods of time, for violent offenders (thereby exerting an inflationary effect on prison population); b) divert some less serious offenders to alternative sanctions (thereby reducing some of the inflationary pressure on prison population).

5. TECHNICAL ISSUES

None.

6. SUBSTANTIVE ISSUES

None.

7. **ALTERNATIVES**
None.

8. **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**
If this bill is not passed, but House Bill 225 (Sentencing Standards Act) is passed, approximately 350 offenders would be channeled to non-prison sanctions but there would not be the appropriate level of supervision and type of program to accommodate them.

9. **AMENDMENT:**
None.