

**NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.**

**Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.**

## FISCAL IMPACT REPORT

SPONSOR: Knauer DATE TYPED: 02/19/01 HB 489  
 SHORT TITLE: Santa Fe County Teen Court Program SB \_\_\_\_\_  
 ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 150.0		\$ 40.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files  
 Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

HB489 appropriates \$150.0 from the general fund to the Administrative Office of the Courts to assist in the administration and expansion of services provided by the Santa Fe County Teen Court program.

No effective date was specified.

#### Significant Issues

The Teen Court of Santa Fe County was established to add a new concept of diversion and accountability to the juvenile justice system. The court is an alternative court where teens are judged and sentenced by a teen jury. Most traffic cases are heard at municipal court; non-traffic misdemeanors are heard at the First Judicial District Court and teen attorneys prosecute and defend the cases. Ultimately, the program attempts to encourage young people to take responsibility for their actions and hopes to reduce their likelihood of repeated offenses and involvement with the law.

Teen court is also a way for first-time 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 youth going before the teen jury must openly admit commission of a delinquent act (with parents or guardian's consent). If the offender admits to a delinquent act, accepts the "sentence" of the teen jury and successfully completes it, then the charges are dismissed and the offender pays no fine. See attachment for program outline.

The First Judicial District Court presently has no direct financial or oversight connection with the Santa Fe County teen court; this program is currently operated by Santa Fe County as noted above.

### **FISCAL IMPLICATIONS**

The appropriation of \$150.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

The AOC works with all the district courts on budget issues and oversees magistrate courts on budget matters. It is not involved with municipals courts. The AOC presently has no financial or oversight connection with the Santa Fe County Teen Court. There has been no discussion between the county and the AOC regarding AOC's role or assistance in expanding this program. The teen court is presently operated by Santa Fe County and is run by a Santa Fe County employee. In sum, it is unclear why the county is now asking for state funding of this program or why the appropriation is being made to the Administrative Office of the Courts. No information is provided in the bill itself or by the Santa Fe Teen Court Program.

In addition, the AOC did not know how the \$150.0 proposed appropriation would be distributed. There is nothing about FTE's, contractual services, equipment needs, etc., in this bill.

### **ADMINISTRATIVE IMPLICATIONS**

If the AOC is asked to administer these funds, the AOC will either pass the funds through to the First Judicial District Court for administration or administer the funds itself. In either case, additional resources and costs will be incurred to administer these program funds that are not part of the allocation provided. It is estimated that one full-time position will be needed totaling \$40.0 to oversee these functions. However, additional cost can be avoided by providing the funding directly to Santa Fe County which is presently running this project. Besides, the First Judicial District Court is occupied with developing and expanding its juvenile and adult drug courts.

### **RELATIONSHIP**

SB372 and HB493 (duplicates) both request teen court funding for the Taos County program in the sum of \$55.0.

### **TECHNICAL ISSUES**

Effective date of the bill needs to be stated.

### **POSSIBLE QUESTIONS**

1. Why is this appropriation being requested for the Administrative Office of the Courts (and without consultation) if the teen court program is a county-sponsored program? Is Santa Fe County no longer funding this program?
2. Is the \$150.0 replacing federal grant monies that are terminating? How is this amount to be distributed?

**House Bill 489 -- Page 3**

3. What performance statistics can be provided regarding the Santa Fe Teen Court? How many youths have appeared in front of teen court? What is the percentage of teens completing their “sentences?” How many of these teens have subsequently been repeat offenders? What is its success rate?

CMH/ar