



According to CD on the original analysis of SB200 which affected only female inmates, SB200 could slightly decrease costs to the Department and conserve prison bed space in the women's prison by reducing the prison population utilizing the "Re-Entry Court" mechanism. Responsibility for effective public safety supervision of these offenders would be shared by the "re-entry court" and the Probation and Parole Division. On the other hand, the bill would increase the administrative burden on Department staff that would be required to develop the criteria for the program, screen inmates, petition the District Court to accept the inmate, and perhaps supervise the inmate in the drug court program.

The bill does not specify whether the "within eighteen months of release" is intended to be with projected "good time" credits or without projected "good time" credits. This issue is important because most drug programs are between six (6) months to one (1) year in length.

AOC reports there are currently six (6) adult drug courts throughout New Mexico. To date, New Mexico does not have a re-entry court in any district. There are programmatic components specific to a female-oriented re-entry court that are not provided in a standard adult drug court: basic parenting skills, vocational training, GED preparation, life skills training (money management and/or personal finance), and specific therapies like behavioral and cognitive therapies. If an adult drug court were to accept inmates into their program, the court would need additional time and money to develop the above-stated program components. If a re-entry court were to begin anew, the district court would need six to eight months of planning time to do so. Based on the New Mexico Standard Costs for Drug Courts, an adult drug court, in the first year of operation, requires a budget of \$175,000 and is capped to 30 clients. A reentry court would likely require a larger budget due to the rigors of the program.

### **PERFORMANCE IMPLICATIONS**

The bill could have a positive impact upon the Department's prison program by providing another alternative to incarceration of inmates and by creating a mechanism that can be used to control prison population to a limited extent. It could also discourage institutional misconduct by inmates who wish to apply for the program.

The bill does not include performance measures including output, outcome, efficiency and quality measures.

### **FISCAL IMPLICATIONS**

Many of the inmates who participate in drug court programs will be supervised by Department probation and parole officers, which will increase caseloads and the costs to the Probation and Parole Division. Since the cost of incarceration exceeds the cost of probationary supervision, on balance the bill should result in an overall cost decrease to the Department.

### **ADMINISTRATIVE IMPLICATIONS**

CD reports in the short-term, the bill will increase the administrative burden upon Department personnel required to develop the criteria for eligibility for the program. In both the short-term and long-term, it will increase the burden upon staff that is required to screen applicants and petition the District Court. The bill will also increase the administrative burden upon those Department Probation and Parole Officers who would be required to supervise these participants in the drug court program.

The bill could require additional FTE since the program is intensive and parolees require a greater degree of supervision upon release.

AOC reports there will be an administrative impact on the courts - especially on judge's and court administrative/fiscal time - as the result of an increase in caseload and/or and general programmatic needs.

**OTHER SUBSTANTIVE ISSUES**

CD reports the department operates some drug court programs in the state. Each program has a matrix (limitation on the number of program participants) as follows: Albuquerque - 180; Farmington - 25; Espanola - 15. SB200 could result in the need to increase the matrix funding.

LAT/njw:pr