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## FISCAL IMPACT REPORT



SPONSOR: Beam DATE TYPED: 01/22/02 HB 64

SHORT TITLE: Women's Inpatient Substance Abuse Treatment SB \_\_\_\_\_

ANALYST: Trujillo

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$250.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act

Relates to HB65.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received

Administrative Office of the Courts (AOC)

Bernalillo Metro Court

Administrative Office of the District Attorney's (AODA)

Criminal Juvenile Justice Coordinating Council (CJJCC)

Adult Parole Board (APB)

Juvenile Parole Board (JPB)

Corrections Department (CD)

Crime Victims Reparation Commission (CVRC)

### SUMMARY

#### Synopsis of Bill

House Bill 64 appropriates \$250,000 from the general fund to CD for the purpose of contracting for women's inpatient substance abuse treatment beds as an alternative to prison.

### Significant Issues

CD reports this bill may result in a significant reduction in the female prison inmate population. A large number of females who are sentenced to prison are incarcerated because of crimes related to substance abuse. Furthermore, the recidivism rate among females is significantly higher than the recidivism rate for males, particularly as it relates to incarceration as a result of substance abuse. This appropriation would allow the CD to implement a program that would allow for the placement of female inmates into a residential substance abuse treatment facility as part of their parole plan, when these women might otherwise remain incarcerated during their parole period due to the lack of available substance abuse treatment. The bill would also provide for an alternative to parole revocation to those female parolees who would otherwise be returned to prison following parole revocation for substance abuse-related violations.

This bill could result in an improvement in CD's female prison program as well as the probation and parole programs. The bill may do so by making residential substance abuse treatment available to those females who might otherwise not be able to obtain such services. This may, in turn, result in a lower recidivism rate of female inmates.

### **FISCAL IMPLICATIONS**

The appropriation of \$250,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

According to CD, this bill could possibly result in significant cost savings to the State and the department. If the program was successful in diverting large numbers of women from prison, in allowing for the release on parole of a female inmate who would otherwise remain incarcerated for lack of a parole plan, or in lowering the recidivism rate. The average annual cost of housing a female inmate is \$67.07 per day or \$24,480 per year. There are some female residential treatment programs currently contracted for by the department that cost approximately \$50.00 to \$54.00 per day, or approximately \$18,500 to \$20,000 per year.

CD reports, in the short term the bill will not result in substantial cost savings to the State or the department. Given the current female inmate population, and under the current contract for female inmates, for those female inmates who represent numbers in the count from 516 to 596, the cost is \$12.51 per day, or \$4,566 per year. The projected average daily female inmate population is expected to remain between 516 to 596 for the next one and one-half (1-1/2) years.

Also, if the program did not actually result in diverting women from prison or was not functioning as a true alternative to prison, then the program might result in little or no cost savings to the State or department, and might actually result in cost increases. Obviously it is somewhat difficult to estimate with precision the amount of cost savings actually produced by such a program.

### **ADMINISTRATIVE IMPLICATIONS**

CD reports the bill will result in a minor increase in the administrative burden placed upon department procurement staff as well as probation and parole administrative staff. CD should be able to absorb this administrative impact.

## RELATIONSHIP

Relates to HB 65 for the 2<sup>nd</sup> Judicial District Women's Reentry Drug Treatment.

The LFC recommendation has included \$2,000.0 million in Tobacco Settlement Revenue to continue the following programs: Laws 2001, Chapter 330, (Senate Bill 628) appropriated \$2 million from the general fund to CD for the following:

- \$500.0 to implement a residential evaluation and treatment center at an existing state prison as a sentencing alternative to incarceration for selected nonviolent prisoners and parole violators. DOC reports the residential center currently is being designed to provide intensive cognitive restructuring and addiction treatment services.
- \$500.0 to provide residential treatment and transitional reintegration services for women released from prison who are mentally ill substance abusers and \$1 million to provide residential treatment and family and reintegration services for female offenders with children under the age of 11.

## TECHNICAL ISSUES

According to CD, on page 1, line 20 of the bill, the phrase "as an alternative to prison" is somewhat ambiguous. It should be noted that this bill alone, even including said language, will not authorize CD to place female inmates into the program while they are still serving their "basic" sentence. Instead, the program would have to be used for those females who would be placed in the program as a condition of probation, rather than being sentenced to prison in the first place, or for those female inmates who had already served their basic sentence and had begun serving their parole time.

LAT/ar/njw