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FISCAL IMPACT REPORT

 NSOR: Beam DATE TYPED: 01/22/02 HB 65

SHORT TITLE: 2nd Judicial Women's Re-entry Drug Treatment SB _____

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$32.5			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB101

Relates to HB64

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
LFC files

SUMMARY

Synopsis of Bill

House Bill 65 appropriates \$32.5 from the general fund to the Second Judicial District Court for the purpose of funding a women's re-entry drug treatment court pilot project. The project will provide services for 28 to 35 women paroled from prison. The effective date is July 1, 2002.

Significant Issues

1. The clientele for whom this bill is directed are non-violent female offenders released from prison who are on parole. While the bill is vague in specifying the types of services to be provided, post-prison drug treatment and parolee counseling are not functions of the courts or of the judicial branch in general. The Corrections Department (CD) already provides these types of re-entry services for parolees along with numerous community-based organizations, non-profit organizations and federally-funded programs.

2. Some district court judges have commented that courts are becoming more like social service institutions and not legal institutions; that they are being forced to provide services (e.g., drug court) that they do not support and that do not reflect traditional court functions. The women's re-entry program proposed by this bill is an example of such a service. While no one disputes the merit of re-entry programs, the question remains regarding who should be directing such a program.
3. There has been an effort in recent years by the Legislature and by the Legislative Finance Committee in particular to prevent duplication of services by identifying "overarching" state programs. As stated above, this women's re-entry drug treatment is a duplicate of those provided by the Corrections Department (CD) such as Community Corrections and the Substance Abuse Treatment program.

Laws 2001, Chapter 330 appropriated money from the general fund to CD to accomplish the following:

- Provide residential treatment and transitional reintegration services for women released from prison (\$500.0) and \$1 million to provide residential treatment plus family and reintegration services for female offenders with children under the age of eleven.
 - \$1 million was also appropriated to the Department of Health (DOH) to provide coordinated services in conjunction with CD for substance abuse and treatment along with community reintegration for probationers and parolees. CD is currently focusing efforts on a transitional reporting center for parolees that would also provide day and evening treatment programming and support through a case management system.
 - In the Tobacco Substance Abuse fund, there is \$2 million specifically designated for substance abuse treatment that could be used for women parolees.
4. The New Mexico's Women's Justice Project, Inc. has applied for a federal grant in the sum of \$250,000 to fund a two-year project providing similar services.
 5. For FY03, the LFC did not recommend additional funding for drug courts or related expansions, such as this women's program, above their FY02 levels due to various financial control problems and procurement code issues with drug courts, along with fee issues and disposition of revenue collected. LFC will be conducting an audit of all drug courts, including the 2nd Judicial District Court, in order to assist the Supreme Court in identifying problem areas and to recommend uniform policies and procedural changes.

FISCAL IMPLICATIONS

The appropriation of \$32.5 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.

ADMINISTRATIVE IMPLICATIONS

Since the offenders will be on parole and reporting to a district court judge, procedures must be established with the State Parole Board, the courts and the Corrections Department to determine who has jurisdiction over the re-entry program in case a participant incurs another violation or is arrested. A separate set of court policies and procedures will need to be developed specifically for this re-entry program as a result. Given that the 2nd District Court (along with all the state's drug courts) will be establishing new policies for drug court as a result of a statewide effort by the Supreme Court to standardize procedures, a potential conflict may result.

DUPLICATION/RELATIONSHIP

SB101, Tobacco Settlement Program Fund Distributions, duplicates HB65 in requesting an appropriation of \$32.5 for the women's re-entry drug treatment pilot project.

HB64 relates to HB65 in its \$250.0 request for providing a women's inpatient substance abuse treatment as an alternative to incarceration.

POSSIBLE QUESTIONS

1. Why is this women's re-entry treatment program being proposed when similar programs already exist at the Corrections Department and in other organizations?

CH/prr:ar