

NOTE: As provided in LFC policy, this report is intended only 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 (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC's office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT



SPONSOR: Miera DATE TYPED: 02/07/02 HB HJM 46/aHFI#1

SHORT TITLE: Study Children's Code SB _____

ANALYST: Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1	See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received

- Children Youth and Families Department (CYFD)
- Department of Health (DOH)
- Human Services Department (HSD)
- State Department of Education (SDE)
- Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HFI#1 Amendment

The amendment removes the NM council on crime and delinquency as the entity for staffing the task force to study and recommend revisions to the Children's code. The amended language instructs the NM Legislative Council to appoint a task force to study and recommend revision to the Children's code. The bill amendment also includes non-profit agencies in this effort to review the Children's code.

Synopsis of Original Bill

House Joint Memorial 46 requests that a task force be appointed to study and recommend revisions to the Children's Code. The New Mexico council on crime and delinquency is requested to report its findings and proposed revisions to the Children's Code to the appropriate legislative interim committee to prepare for the 46th Legislature. This memorial examines 21 articles in the Children

House Joint Memorial 46/aHFI#1 -- Page 2

Code as they relate to the Delinquency Act pertaining to minors driving under the influence of alcohol or drugs, detention criteria, administrative placement, duties of juvenile probation/parole officers, and children sentenced as adults.

The Judiciary, the Children Youth and Families Department, the Human Services Department, the Department of Health, the State Department of Public Education and other appropriate executive agencies are to cooperate and provide appropriate resources and expertise to review and revise the Children's Code.

Significant Issues

The timeline for task force research, public hearings, and the development of a report with recommendations for Code revisions is demanding. It may be difficult to complete HJM 46 resolutions in accordance with proposed delivery dates to the appropriate interim committee in time for the 46th Legislative Session.

Highlights of the Joint Memorial are:

- The Children's Code was enacted in 1972, rewritten in 1981 and 1993. There have been numerous amendments over the years.
- In the thirty years since its enactment, there have been significant legal and social changes that call for another review and update of the code.
- Offenses perpetrated by young offenders appear to grow more serious in nature.
- New Mexico council on crime and delinquency, a non-profit organization, will dedicate the necessary resources to aid in staffing the task force provided that necessary resources are available.

FISCAL IMPLICATIONS

HJM 46 contains no appropriation.

ADMINISTRATIVE IMPLICATIONS

Given the time limit for completion of this task, the program staff of key departments noted in the Memorial will experience a significant administrative impact even though the University of New Mexico, school of law has indicated it will assign students to help staff and do legal research for the task force.

OTHER SUBSTANTIVE ISSUES

The Children, Youth and Families Department, Juvenile Justice Programs are most impacted by the Children's Code; however, the Department of Health also includes strategic interventions that interact with the current Children's Code, including violence prevention and early intervention and substance use. HJM 46 would allow for the current Children's Code to be reviewed in light of many concerns, including family reintegration, behavioral health diversion programs, age of sexual consent/rape issues, and confidentiality.

House Joint Memorial 46/aHFI#1 -- Page 3

The memorial supports the State Board of Education's strategic issue of academic achievement and the board's public school accountability system, which includes attendance as an indicator and measure. The State Board defines exemplary attendance as 94% or higher, exceeds standards attendance as 93% to 93.9%, meets standards attendance as 92% to 92.9%, and probationary attendance as below 92%.

BD/ar