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FISCAL IMPACT REPORT



SPONSOR: Papen DATE TYPED: 01/29/02 HB _____

SHORT TITLE: 3rd Judicial District Alternative Disposition Pilot SB 25

ANALYST: Hayes

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|---------|-----------------------------|------|----------------------|---------------|
| FY02 | FY03 | FY02 | FY03 | | |
| | \$500.0 | | | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
Public Defender Department (PD)

SUMMARY

Synopsis of Bill

Senate Bill 25 adds a new section to the Delinquency Act and appropriates \$500.0 from the general fund to the Third Judicial District Court for the purpose of creating and funding an Alternative Disposition Pilot Program.

The provisions of this act are effective July 1, 2002.

Significant Issues

1. The Alternative Disposition Pilot Program provides the children's court judges with an opportunity to order an alternative disposition for a child in instances where the department does not offer sufficient services or programs for that child. The judge is authorized to place a child on probation and, as a condition of that probation, place the child in a long-term facility either in or outside of New Mexico.
2. According to AOC, the Children, Youth and Families Department (CYFD) facilities statewide do not have an effective mental health component or effective treatment for youthful offenders. This may necessitate out-of-state treatment.

3. While this legislation enables judges to send children in need of services to either in-state or out-of-state programs, it bypasses CYFD and shifts treatment resources to the courts. It is unclear why the court is performing treatment or social services functions. If CYFD is lacking the funding to provide such services, the funding may be better served in CYFD or related agency whose agency function is to help children.
4. Neither the program nor funding for an Alternative Disposition Pilot Program were approved in the judiciary's *Unified Budget*.

FISCAL IMPLICATIONS

The appropriation of \$500.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund

TECHNICAL ISSUES

While the program goals are defined in the bill, it is unclear for what the \$500.0 is needed. Are there FTE positions associated with this program? This needs to be clarified in the bill. In addition to legal services, is the court itself going to be providing long-term treatment services? The bill simply states that the funding is for the purpose of "operating an alternative disposition pilot program" whereby a judge sentences a youth to treatment in a facility somewhere. In what manner is the court "operating" this program? What are those services? Why does the 3rd District court need \$500.0 for this function?

CMH/ar