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FISCAL IMPACT REPORT



SPONSOR: SJC DATE TYPED: 2/12/02 HB _____

SHORT TITLE: NMSU Adjudicated Youth Facilities Evaluation SB 202/SJCS

ANALYST: Dunbar

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 247

SOURCES OF INFORMATION

Responses Received From

Children Youth and Families Department (CYFD)
 Commission on Higher Education (CHE)
 Criminal & Juvenile Justice Coordinating Council (CJJCC)

SUMMARY

Synopsis of Bill

The Senate Judiciary Committee substitute appropriates \$250.0 from the general fund to the Criminal and Juvenile Justice Coordinating Council for an evaluation of state facilities operated by the Children, Youth and Families Department for the care and rehabilitation of adjudicated offenders.

The bill identifies issues that should be included in the evaluation, such as, adequacy and availability of rehabilitation treatment programs, gang suppression and aggressive behavior, separation of residents based on their vulnerability and susceptibility to abuse by older or more aggressive residents, adequacy and use of locked secure areas and isolation rooms, pre-parole planning, use of community corrections for early release, use of reintegration facilities and community-based treatment programs and the development of release plans.

Significant Issues

The bill does not identify who will receive the evaluation findings or if CYFD will receive recommendations for improvement based on the evaluation.

FISCAL IMPLICATIONS

The appropriation of \$250.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY 03 shall revert to the general fund.

The committee substitute specifies the goals of the evaluation and the amount of the appropriation is sufficient to cover the costs of such an evaluation.

ADMINISTRATIVE IMPLICATIONS

CJJCC reports that the proposal is unlikely to have a significant effect on the Council's staff, since it is likely that the Council would contract the specific work to an independent. The Council's twenty-three members, who represent multiple perspectives of the criminal and juvenile justice systems in New Mexico, would oversee the contract work. Council members possess the knowledge and experience to effectively provide guidance to any potential contractor. This evaluation can also build on work the Council is already doing in this area during the current fiscal year.

The success of any such evaluation depends on the cooperation and involvement of CYFD, which must allow full access to each facility, including access to referral data, policies and procedures, discussions with facility staff and, in some cases, participating offenders. The Council has an advantage in this area, since the agency already has statutory access to data and records.

RELATIONSHIP

HB247 changes the name of the Council to "sentencing commission" and expands the statutory duties of the agency. HB 247 also contains a \$500.0 appropriation in addition to the amount contained in the General Appropriation Act, allowing the council to hire direct staff.

OTHER SUBSTANTIVE ISSUES

The NM Criminal and Juvenile Justice Coordinating Council (CJJCC) was created in 1994 to "advise the executive, judicial and legislative branches of government of policy matters relating to criminal and juvenile justice ... (and) make recommendations to the legislature concerning proposed changes to laws relating to the criminal and juvenile systems that the council determines would improve those systems".

CYFD may have to provide the NMSU team assistance.

POSSIBLE QUESTIONS

What type of assistance can CYFD provide to the CJJCC?

BD/njw