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## FISCAL IMPACT REPORT

SPONSOR Harden DATE TYPED 2/5/04 HB \_\_\_\_\_

SHORT TITLE 9<sup>th</sup> District Drug Court SB 431

ANALYST Koplik

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	\$242.4			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

#### SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts

#### SUMMARY

##### Synopsis of Bill

Senate Bill 431 appropriates \$242.4 from the general fund to the 9<sup>th</sup> Judicial District Court for the purpose of establishing a drug court.

##### Significant Issues

Drug court-imposed treatment has proven to be an effective method in rehabilitating the lifestyle of a drug offender and in preventing future illegal behavior. According to two national studies conducted on drug court effectiveness,\* the following conclusions were reported:

1. Drug courts continue to be successful in reducing drug use.
2. Drug courts are treating more complex offenders with more serious criminal histories and with complex physical and mental health needs.
3. Drug use for drug court participants remains low compared to similar defendants not in drug court.
4. Recidivism for participants while in the program (as defined by re-arrests) continues to remain low for graduates.
5. Estimates indicate that drug court programs generate a cost-savings primarily to law enforcement, probation and jail. For every \$1.00 spent

on drug court, \$2.50 is saved. \*National study in 1998 and 1999 by the National Center on Addiction and Substance Abuse and an evaluation of the Oregon Drug Courts.

According to the Administrative Office of the Court's statewide drug court coordinator, drug courts have significantly reduced costs in the criminal justice system. The average cost of a drug court program per participant is \$1,900 - \$2,500 each year (*treatment costs only*). This is significantly less than the average cost of \$27,000 for one prisoner incarcerated in a non-treatment venue as estimated by the New Mexico Department of Corrections.

In capturing full cost per participant, it is estimated that each drug court participant costs the state approximately \$3,300 each according to analyst calculations.

With the advent of the Accountability in Government Act, drug court programs lend themselves to performance measurement and assessment. Using the above-reported nationwide findings, specific performance-based budgeting measures can be developed for New Mexico drug court programs such as: recidivism rates, cost per participant, number of re-arrests per participant, number of positive urinalysis, average length of treatment, rate of success/failure, number of drug offenders participating in drug court, etc. With the major funding expansion proposed in this bill, the performance of drug court should be closely evaluated, both for its cost effectiveness and the cost-benefit to the state.

### **FISCAL IMPLICATIONS**

The appropriation of \$242.4 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY 2005 shall revert to the general fund.

### **ADMINISTRATIVE IMPLICATIONS**

This drug court expansion has not been approved by the Chief Judges Council for FY 2005. The drug court coordinator explains that although fully supportive of the spread of drug courts throughout the state, the Chief Judges Council has a process by which the courts prepare to start a drug court. First, the district works with the Supreme Court's Drug Court Advisory Committee to develop the local resources and drug court team necessary to the workings of a drug court. In turn, the judiciary makes these requests part of its unified budget request and consolidates requests for new drug courts and funds for expansions of existing drug courts into a single appropriation. This is done in order to provide a mechanism by which the judiciary can help manage the growth of drug courts and their additional administrative demands, as well as keep the legislature informed of upcoming funding requests related to drug courts. The appropriations are requested from the general fund to the administrative office of the courts to provide centralized administration of drug court funds.

**SK/njw**