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FISCAL IMPACT REPORT

SPONSOR Rawson **DATE TYPED** 2/14/04 **HB** _____

SHORT TITLE Payments for Probation and Parole Services **SB** 563/aSFI#1

ANALYST Reynolds-Forte

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
	\$105.0-\$450.0		Recurring	Community Corrections Grant Fund

(Parenthesis () Indicate Revenue Decreases)

Relates to HB 318

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department

Attorney General's Office

Public Defender

Administrative Office of the Courts

SUMMARY

Synopsis of SFI Amendment #1

Senate Floor Amendment #1 provides a language change to allow the Parole Board to waive the payment of parole fees. This language was suggested by the Corrections Department in their bill analysis.

Synopsis of Original Bill

Senate Bill 563 makes changes relating to payment of probation and parole service fees. First, it increases the minimum and maximum amount of probation as well as parole supervision fees

that offenders are supposed to pay. The bill increases the minimum monthly fee from \$15 to \$25, the maximum monthly fee from \$85 to \$150, and the maximum total annual amount from \$1,020 to \$1800. The bill also provides these supervision fees shall not be waived unless the Court holds an evidentiary hearing and finds the defendant is unable to pay these fees. If the court waives payment and the defendant's financial circumstances change so the defendant is able to pay these fees, the appropriate probation and parole supervisor is to advise the court and to determine whether the waive should be rescinded.

Second, the bill provides the Corrections Department shall require criminal offenders who participate in a community corrections program and who receive program services to make a co-payment to offset the cost of such services. The amount of the co-payment is to be based on the offender's ability to pay. These co-payments are to be deposited in the community corrections grant fund.

FISCAL IMPLICATIONS

The Correction Department usually collects approximately \$900 thousand per year in probation and parole supervision fees. Since the bill increases the minimum amount of the monthly fee from \$15 to \$25, and makes it somewhat less likely that the court will waive probation supervision fees, the Department roughly estimates the bill could result in an additional \$100 thousand to \$400 thousand in revenue from these fees.

Senate Bill 563 also requires community corrections participants to make a co-pay to offset the cost of programs; the Department roughly estimates this could generate new revenue of approximately \$5 thousand to \$50 thousand per year.

ADMINISTRATIVE IMPLICATIONS

The Corrections Department believes there will be a slight increase in the administrative burden on probation and parole personnel to collect the co-pay from community corrections participants. There could also be a slight increase in the administrative burden on probation and parole officers to notify the court of a change in financial circumstances and to attend hearings on such matters.

Senate Bill 563 adds a provision that prevents the district supervisor of the adult probation and parole division from waiving the defendant's obligation to pay his or her costs unless the court holds an evidentiary hearing and finds that the defendant is unable to pay the costs. The Administrative Office of the Courts thinks the added requirement of holding evidentiary hearings to determine the defendant's ability to pay for supervised probation & parole services may increase caseloads and dockets in the courts, thus requiring additional resources to handle the additional work associated with these evidentiary hearings.

RELATIONSHIP

Senate Bill 563 relates to House Bill 318 which renames the corrections department intensive supervision fund and expands the purpose for which the fund may be used.

TECHNICAL ISSUES

The Corrections Department suggests that on pages 8 and 9, the bill is intended to address parole supervision fees, and the new language should refer to the “parole board” rather than the “court.”

The Attorney General’s Office notes that on page 9, line 25 and page 10, line 1, the bill says “criminal offenders who participate in a program and who receive services” will make co-payments. As it is possible to only receive services, or only participate in a program, and should the “and” be changed to “or” so it reads “offenders who participate in a program or receive services?”

OTHER SUBSTANTIVE ISSUES

The Corrections Department points out the bill should generate additional revenue to offset the increasing costs to the Department of supervising and providing services to offenders in the community. They believe is good public policy to have those offenders who can afford it, pay some of the costs of the supervision and program services they receive. Judges often routinely waive probation supervision fees, without justification. This bill would only allow judges to routinely waive fees if there was evidence the defendant could not afford to pay.

The Public Defender has concerns that this is a significant increase, especially for Public Defender clients who are either indigent or making contract payments to the Public Defender for their representation, and who may also be making restitution payments.

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