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FISCAL IMPACT REPORT

SPONSOR Grubestic DATE TYPED 2/9/05 HB _____

SHORT TITLE Second District Early Plea Program SB 480

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$560.8			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

No response from the Administrative Office of the District Attorney

SUMMARY

Synopsis of Bill

SB 480 appropriates \$560.8 from the general fund in FY06 to expand the early plea program in the Second Judicial District Court; specifically, \$240.0 to the Second Judicial District Attorney and \$320.8 to the New Mexico Public Defender.

Significant Issues

The AOC clarifies structure:

The Early Plea Program (EPP) represents a pilot partnership between the courts, the district attorney, and the public defender. EPP represents the first major attempt in New Mexico to rethink how best to adjudicate criminal cases and is similar to an expedited case management procedure.

The components of the EPP pilot model are:

- District attorney/public defenders meet daily to determine felony plea offers for defendants arrested within the last 24 hours. (Law enforcement provides daily arrest report).
- Public defender conveys offers to defendants in custody.
- After seeing the metropolitan court judge, if a defendant is released on bond or released on his or her own recognizance, the EPP plea is scheduled within two to three weeks in district court.
- If the defendant is held in custody, the plea is set within ten days in district court.
- A district court judge provides an open calendar for one or two afternoons weekly for EPP clients.
- The EPP defendants' pleas and judgments and sentences are completed at the initial setting.
- Approximately 70% of EPP offers are accepted and quickly pled.

The expectations for the EPP pilot program are:

- Reduce the case backlog in the Second Judicial District.
- Minimize the impact of increasing annual caseload in the Second Judicial District.
- Maximize system resources for more complex cases which are not amendable to early examination and plea.
- Implement swift process to route offenders into probation, jail, prison and/or treatment.

The benefits of the EPP pilot program are:

- Increase cost savings to all participating criminal justice agencies.
- Enhance public safety with timely disposition of cases.
- Maximizes court resources by requiring only one hearing before the judge as opposed to the 4-5 average for a regular case.
- Provides an effective model for successful differentiated case management.
- Benefits the community with timely resolution of cases for both the victims and offenders.

PERFORMANCE IMPLICATIONS

The PDD report that expanding the early pleas program will not only have a positive effect on the number of cases that move out of the system, but also on the caseloads of the Department's attorneys.

The AOC reports SB 480 will have a positive impact on the performance based budgeting measures of the Second Judicial District Court that help determine effective use of public funds in fulfilling the mission of the courts. A target level of 90% cases disposed of cases filed is recommended by the LFC because it is indicative of a court's effectiveness in addressing cases in a timely manner.

FISCAL IMPLICATIONS

The appropriation of \$560.8 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY06 shall revert to the general fund.

The majority of district court funding is through the general fund.

The PDD states expanding the early plea program in the state's largest judicial district will result in savings for the Department over time.

ADMINISTRATIVE IMPLICATIONS

The AOC reports two judges are currently adjudicating the EPP caseload. The Second Judicial District may have to allocate additional judge hours to handle more cases if program is expanded.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Companion to SB 494, providing for temporary judges in the second judicial district.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

There may be fewer opportunities for timely resolution of cases for both victims and offenders.

POSSIBLE QUESTIONS

Of the 70% accepting plea offer, how many offenders are routed into prison as opposed to treatment?

AHO/yr