

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Snyder DATE TYPED 03/14/05 HB \_\_\_\_\_

SHORT TITLE Probation and Parole Officer Assignment Study SB SJM 85

ANALYST McSherry

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		Minimal	Non-Rec	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Corrections Department (CD)

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial 85 proposes to request that the Administrative Office of the Courts conduct a study to determine the most effective manner to assign probation and parole officers who are at least partially assigned to the 2<sup>nd</sup> Judicial District drug court, but are employed by the Corrections Department.

The study is proposed to include findings of the fiscal impacts that would result from shifting the officers from Corrections to the Court including benefits, and any other consequences of such a transfer by October 1, 2005 to the "appropriate" interim legislative committee.

#### Significant Issues

Though this Joint Memorial requires that the Corrections Department should be consulted in the study, the study is primarily under the control of the Administrative Office of the Courts. This appears to be a conflict of interest to place the study in the responsibility of the study in the administrative office of one of the two agencies which the results of the study could impact.

According to the Corrections Department, the probation/parole officers that work with the drug court in the 2<sup>nd</sup> District also perform work for the Department. CD asserts that if the 2<sup>nd</sup> Judicial District were to gain those FTE's at the expense of the Corrections Department, the Albuquerque Probation/Parole Office will have to distribute the workload of those transferred FTE's to the already over-extended Probation/Parole Officers who remain in the Albuquerque office which would diminish the ability of the Albuquerque office to adequately supervise offenders, and may impact public safety.

### **FISCAL IMPLICATIONS**

There is no appropriation proposed in this memorial. Probation officers in the judiciary are typically paid at a higher rate than those in the Corrections Department.

### **ADMINISTRATIVE IMPLICATIONS**

The study could impact administrative workload from AOC

CD asserts that the loss of allocated FTE's without replacement would have a negative administrative impact.

### **OTHER SUBSTANTIVE ISSUES**

The memorial raises concerns related to the efficacy of probation officers if they are working at the direction of the Judges from the Second Judicial District Drug Court, but are actually employed by the Department of Corrections.

The responsibility of the proposed study is proposed to be AOC, which could be a conflict of interest.

### **ALTERNATIVES**

The study could be taken on by a more neutral party to the issue, or a joint effort involving both affected agencies could be proposed.

**EM/lg**