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FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/06

SPONSOR Lundstrum LAST UPDATED 2/2/06 HB 498

SHORT TITLE McKinley County Inmate Reimbursement SB _____

ANALYST Peery

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$655.2	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
 New Mexico Sentencing Commission (NMSC)
 Attorney General's Office (AGO)
 NM Association of Counties(NMAC)

SUMMARY

Synopsis of Bill

House Bill 498 appropriates \$655.2 from the general fund to the State Board of Finance for the purpose of reimbursing McKinley county for the cost of housing individuals charged with or convicted of a violation of state law who:

- have violated parole or are charged with a parole violation;
- while on parole, are charged with a violation of local, state, tribal, federal or international law;
- are awaiting transportation and commitment to the Corrections Department following the pronouncement of a judgment, sentence or an order of confinement;
- are charged with a violation of probation by the Corrections Department or by a district court;
- are sentenced, ordered or removed by the district court to incarceration in a county detention facility for a felony conviction; or
- are incarcerated on the basis of an arrest-and-hold order on a warrant issued by the Corrections Department.

FISCAL IMPLICATIONS

The appropriation of \$655.2 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

NMSC states the rate of reimbursement established in the bill is the actual cost per day for housing each prisoner incarcerated in that county's detention facility. NMSC reports the State Board of Finance would also reimburse the county the cost of providing ancillary services to prisoners. These ancillary services are medical, prescription drug, dental, mental health, vision, ambulatory and transportation.

SIGNIFICANT ISSUES

NMSC conducted a study for the New Mexico Association of Counties to provide a count of individuals held on felony charges in six detention facilities in New Mexico on June 30, 2003 and estimate the annual cost of housing four categories of felony arrestees throughout the state. NMSC updated the cost estimates based on arrestees held on June 30, 2005.

NMSC reports that the legislature could modify the definition of "state prisoner" to include fewer or more inmates. NMSC states the definition of "state prisoner" will control whether costs continue to be borne by the counties or are passed to the state.

The AGO reports the proposed legislation does not address the issue of how much a county can bill the State Board of Finance for housing an individual for a day.

ADMINISTRATIVE IMPLICATIONS

NMCD reports there would be minimal to moderate administrative burden placed on the department due to providing certain information, such as the names of individuals on probation and parole who have an arrest and hold order placed on them, to the State Board of Finance to help the board verify the incarceration costs for purposes of reimbursing the county.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has a relationship to House Bill 414, House Bill 426, House Bill 516, House Bill 587, House Bill 564, House Bill 563, House Bill 264, Senate Bill 411, Senate Bill 308, Senate Bill 546, Senate Bill 532 and Senate Bill 419.

ALTERNATIVES

In the 2004 legislative session, the Legislature gave counties increased taxing authority of a new 1/16th of countywide general purpose authority, and expanded 1/8th countywide for maintaining and constructing detention facilities as well as extraditing and transporting state prisoners. The New Mexico Association of Counties reports 18 counties have enacted this new authority and others are considering an increase in their local taxes to meet the escalating cost of housing prisoners.