

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

ORIGINAL DATE 01/21/06

SPONSOR Snyder LAST UPDATED _____ HB _____

SHORT TITLE Expand and Create Drug Courts SB 134

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$1,160.1	Recurring	General
	\$530.8	Recurring	General
	\$883.2	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Senate Bill 134 is a companion to House Bill 182, and relates to Senate Bill 144.

SOURCES OF INFORMATION

LFC Files

Responses Received

Administrative Office of the Courts (AOC)

Public Defender (PD)

Children Youth and Families Department (CYFD)

SUMMARY

Senate Bill 134, "Expand and Create Drug Courts" appropriates a total of \$2,574.1 thousand from the general fund to the Administrative Office of the Courts (AOC) for the purposes of:

Replacing lapsing drug court funds in the 1st, 2nd, 3rd, 11th, 12th and 13th judicial districts, McKinley County and for administrative support (\$1,160.1 thousand);

Expanding existing drug courts in the 3rd, 4th, 5th, 6th, 8th, 11th, 12th, and 13th judicial districts (\$530.8 thousand); and

Creating new drug courts in the 4th, 7th, 8th, 9th, and 13th judicial districts (\$883.2 thousand).

FISCAL IMPLICATIONS

The appropriation of \$2,574.100 thousand 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.

SIGNIFICANT ISSUES

Both the LFC and executive budget recommendations include the \$1,160,000 included in this bill for replacement of lapsing drug court funds. The executive recommendation for the 7th and 9th judicial districts includes expansion drug court funding in the amount of \$200 thousand and 3 associated FTE for each district. The House Appropriations and Finance Committee have included the replacement and executive-recommended expansion funds their recommendation at this point.

According to CYFD, an additional 8 juvenile probation officer staff would be needed to supervise a specialized caseload in the proposed new and expansion programs.

Most drug courts in the state demonstrate a lower recidivism rate for offenders who participate in a drug court program than the recidivism rate for those offenders who do not participate in a drug court program.

The average cost per day for drug court (\$11 -\$40/day per client) is substantially less than the cost per day for juvenile detention or jail time; however, the length of a drug court program is typically greater (1 year +) than the time an individual would have spent incarcerated.

The Corrections Department during the 2005 session asserted that minimal savings will be incurred by the Corrections Department through the increase in number and size of drug courts.

PERFORMANCE IMPLICATIONS

Districts proposed to introduce new drug court programs do not yet have performance measures established. Drug courts which are in existence have measures such as recidivism rates, graduation rates and cost per client per day.

The courts have not yet proposed whether improvements to current performance targets would result from the proposed expanded and new drug court programs.

ADMINISTRATIVE IMPLICATIONS

Increasing the funding for this program will increase the responsibilities for the oversight for the programs by the individual districts and AOC.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The general appropriations act as it is currently written includes the funds for drug court lapsing funds replacement. HAFC has adopted expansions of \$200 thousand and 3 FTE for the 7th and 9th judicial districts for a total of \$400 thousand in expansion for drug courts.

House Bill 182 is a companion to Senate Bill 134, and relates to Senate Bill 144 which proposes the conversion of drug court Corrections Department staff into judicial employees.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Not enacting the bill will result in the drug court programs continuing as they are currently situated because all replacement funds are included in the general appropriations act already.

Not enacting the bill would result in: replacing lapsing federal funds only once, and not funding some new and/or expanded programs requested by the judiciary.

POSSIBLE QUESTIONS

1. How were districts prioritized as to their readiness to introduce a new or expanded drug court program? Where all districts which wanted to expand included in the request for additional drug courts?
2. How many FTE are associated with each of the proposed expansions of existing programs and/or introduction of new drug court programs?
3. How many new clients would be part of the new and expanded drug court programs?
4. Are all districts requesting expanded drug courts currently at capacity with their existing programs?
5. Is the demand for drug courts uniform among those courts requesting new programs? How does the level of drug court demand relate to the level of funding requested?
6. What is the average savings per drug court participant when comparing total drug court cost per person to total incarceration/other consequence cost?
7. Have other sources of funding been pursued for any or all of the requested drug courts? Where courts required to extinguish all funding options before proposing state sponsored funds?

6EM/sec:nt