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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/06

SPONSOR Beffort LAST UPDATED _____ HB _____

SHORT TITLE Bernalillo Court Domestic Violence Programs SB 152

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$422.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

2nd Judicial District Attorney (2nd DA)
 Bernalillo County Metropolitan Court (BCMC)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 152 appropriates \$422,100 from the general fund to the Bernalillo Metropolitan Court for the purpose of replacing federal and other agency transferred funds for the Court's "domestic violence repeat offender program."

FISCAL IMPLICATIONS

The appropriation of \$422,100 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.

Although BCMC states that the funding is for "one more year" of funding for the program, the funds are for operational expenses and for the purposes of the FIR are recurring.

Participation in the Domestic Violence Repeat Offender Program could reduce expenses that would have been associated with trial, pre-trial preparation and other expenses.

SIGNIFICANT ISSUES

The Domestic Violence Repeat Offender Program (DVROP), as established, provides services to domestic violence repeat offenders, their children and their victims. These services include: one on one judicial interaction, offender supervision (including sanctions, interventions and encouragement), and monitoring (including substance abuse monitoring, counseling), and treatment for all family members. The program lasts at least 12 months and family member services continue even if the offender is terminated from the program.

Offenders who complete DVROP have their sentence suspended with their conviction maintained as part of their record.

The program has a court clinician, a probation officer and a judicial specialist. Three judges from the court are involved in the program with no reduction in regular dockets.

According to Metro Court, the DVROP is the only one of its kind in the United States. The program received startup funding from CYFD, Corrections and federal sources to begin in July 2004. The program is voluntary, with participants chosen on a case-by-case basis with preference given to family units in which all parties can be “served.”

The 2nd Judicial District Attorney points out that this program has a limited number of clients because in order to participate one must have a prior felony conviction (of any type) or any pending felony or misdemeanor charges.

Also according to the 2nd DA:

The program does not accept women because it is “not set up” to handle them.

The program provides treatment for the entire family including victims and offenders

In the 18 months of program existence it has screened 111 offenders, accepted 60 and graduated seven.

The PDs office does not encourage clients to apply to the program due to rigorous program conditions lasting 12 months, and the rate of dismissal (3 of 4) due to failure of the victims to cooperate with prosecutors.

Metro court reports that 24 victims and 27 children have received services since the program’s inception.

PERFORMANCE IMPLICATIONS

Metro court requests that the program be evaluated over a three year period, after one year of state funding. Indicators have not been successful, but would be useful to determine the programs effectiveness.

ADMINISTRATIVE IMPLICATIONS

Programs such as DVROP result in additional administrative workload. Metro court is not requesting administrative increases associated with the program.

TECHNICAL ISSUES

The 2nd DA reports that the program currently lacks a mechanism to obtain admissions to the of-

fense (like pre-prosecution diversion) so that an offender who is dismissed has made no statements that can be used against him.

OTHER SUBSTANTIVE ISSUES

Metro Court reports the court has 5,000 domestic violence associated incidents charged in Bernalillo County each year and that ½ of female homicide deaths and a large portion of nonfatal injuries in New Mexico are due to “intimate partner violence.” The court further asserts that 1 in 6 incidents of domestic violence reported by law enforcement involves a child witness (78 percent under the age of 13).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The program will either no longer exist, or will be severely limited in scope.

POSSIBLE QUESTIONS

1. What indicators of success does Metro Court propose to determine if this program should continue?
2. Would other courts benefit from such a program?
3. Are funds currently received from Corrections and CYFD no longer available for the program? How are these agencies involved, if at all in the operations of the program?
4. What factors are considered in the screening of potential participants?
5. What reasons were the 51 screened individuals who were not accepted as participants rejected for participation?
6. What proportion of the 53 non-graduate participants is still involved with the DVROP program?

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