F I S C A L   I M P A C T   R E P O R T

	ORIGINAL DATE	1/19/07		
SPONSOR Powdrell-Culbert	**LAST UPDATED**		**HB**	148
SHORT TITLE 13th District Mental Health Court			**SB**	
			ANALYST	Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	**FY08**		
	$250.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to

SB 206, 1st Judicial District Mental Health Court

SOURCES OF INFORMATION
LFC Files

Responses Received From
Administrative Office of the Court
13th Judicial District Court

SUMMARY

Synopsis of Bill

House Bill 148 appropriates $250,000 from the general fund for the purpose of establishing and operating an adult mental health court program in the thirteenth judicial district. $250,000 would be appropriated to the thirteenth judicial district for salary and benefits of staff, contractual services for treatment costs; and to fund other operating costs. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

FISCAL IMPLICATIONS

Of the $250,000 appropriation, $236,300 is recurring for personal services and benefits for a program manager and court clinician 2 (2 FTEs), contractual services for treatment costs, and operating costs for this program. This appropriation increases the budget of the thirteenth judicial district court.

The cost of incarcerating mentally ill offenders in jail will be reduced substantially due to their earlier release from jail and effective use of existing resources in the community. The costs of treatment while inmates are incarcerated will be avoided which, while not effecting the court budget, will be a cost avoidance for the counties, since Medicare/Medicaid benefits stop while people are incarcerated.

The state will likely avoid future costs as the program successfully serves more clients.

Nationally, 16% of people that are in jail have a serious mental illness. Since there are approximately 150 state prisoners incarcerated in the Sandoval County Detention Center, approximately 25 would have been potential candidates for diversion and treatment under a mental health court system. At least half of the people in jails have a co-occurring substance abuse addiction and the mental illness frequently needs to be primary treatment emphasis.

SIGNIFICANT ISSUES

This bill reflects a commitment by the Thirteenth Judicial District to address the problem of untreated mental illness and its affect on the community.

This bill funds a mental health program that reduces the incidents of arrest and incarceration of repeat offenders with mental illness using the Court to mandate appropriate treatment rather than incarceration. This appropriation would allow the thirteenth judicial district court to establish and operate an adult mental health court program.

Mental Health courts are part of the growing national trend towards therapeutic justice programs, or problem-solving courts, which are modeled on the nationally successful drug court programs. Like drug courts, mental health courts combine treatment with the coercive power of the judiciary and close supervision to ensure participants adhere to the treatment plan and other program requirements.

As with drug courts, mental health courts require close collaboration between the courts, the public defender's and district attorney's offices. And because of the time demands of such programs, their budgets often include funds for all three agencies as is the case with this bill. Such programs also require treatment staff, in the form of psychologists or psychiatrists, family counselors, as well as court staff to administer and run the program who are trained for mental health diversion or supervised release services. This legislation is not contained in the judiciary's unified budget.

PERFORMANCE IMPLICATIONS

FY 07 is the fourth year that the courts are participating in performance based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- cases disposed as a percentage of cases filed
- percent change in case filings by case types
- clearance rate

The success of the program will be measured by tracking the success of treatment and medication compliance and continued checking of court records for recidivism.

ADMINISTRATIVE IMPLICATIONS

There is an immediate administrative impact on the court resulting from added judicial and staff time needed to dispose of these types of cases in keeping with the dictates of the mental health court program. Over the long term, successful treatment of program participants should lead to a decrease in court workload as such participants recover sufficiently to lead more normal, law-abiding lives.

RELATIONSHIP

SB 206, 1st Judicial District Mental Health Court

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Mentally ill offenders will remain in jail longer than required due to insufficient staff to arrange for aftercare.

Untreated or inadequately treated mentally ill offenders will likely re-offend. The program will reduce the number of mentally ill offenders who are jailed repeatedly. . . "the revolving door." This occurrence increases the risk to the community and perpetuates chronic re-entry into the criminal justice system.

POSSIBLE QUESTIONS

Is the 13th Judicial District Court equipped to house and effectively implement this program?

CS/csd