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## FISCAL IMPACT REPORT

ORIGINAL DATE  
LAST UPDATED \_\_\_\_\_

SPONSOR King HB 876

SHORT TITLE Torrance County Drug Court SB \_\_\_\_\_

ANALYST C.Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
\$0	\$250.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

#### **Duplicates, Relates to, Conflicts with, Companion to**

SB 259 Drug Court Funding & Expansion contains \$60.0 for an adult drug court in Socorro or Torrance County, leaving the county location to the seventh judicial district.

#### **Relates to Appropriation in the General Appropriation Act**

The LFC budget recommendation contains \$60.0 for an adult drug court in the seventh judicial district.

#### **SOURCES OF INFORMATION**

LFC Files

#### Responses Received From

Administrative Office of the Courts

Corrections Department

#### **SUMMARY**

##### Synopsis of Bill

House Bill 876 would appropriate \$250,000 in general recurring funds to the seventh judicial district for expenditure in FY08 to implement a drug court in Torrance County. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

## **SIGNIFICANT ISSUES**

By combining treatment with the coercive power of the judiciary, the drug court model has repeatedly shown through national studies and statewide performance measures that it outperforms virtually all other intervention strategies for drug involved offenders: recidivism of drug court graduates is much less than for similar offenders, the cost-per-client of drug court participants is significantly less than that for incarceration, and even those who do not successfully complete a program have a greater chance of long-term success due to the longer period of treatment received during their involvement in a drug court program.

Because of the success of its drug court programs, the New Mexico judiciary continues working with communities around the state to maintain existing programs as well as establish new drug court programs. In January 2006, The New Mexico Supreme Court approved a 5-Year Plan for Growth of New Mexico Drug Courts (available at [www.nmadcp.org](http://www.nmadcp.org)). That plan has two main goals: (1) to implement a drug court program in every county of the state (there are currently programs in 18 of the state's 33 counties); while (2) providing a predictable and stable funding request to the legislature each year of the plan. FY08 will be the second year of the 5-Year Plan. The judiciary reviewed over \$3.25 million in drug court requests from courts around the state in preparation for this legislative session, but by applying the priorities outlined in the 5-Year Plan, and focusing on those courts with the greatest need and best preparation to implement state funds, the judiciary was able to reduce the overall requests to match the \$1.35 million funding cap for FY08 set by the plan.

Neither Socorro nor Torrance counties currently have a drug court program, making requests to start programs there a high priority under the guidelines of the 5-Year Plan. The seventh judicial district did request funding to start an adult drug court program in both counties, but with the 5-Year Plan funding cap and other review criteria in mind, those requests were trimmed to the \$60,000 that is reflected in the judiciary's unified budget request, as part of Priority 7. The Judiciary recognizes that \$60,000 would not be enough to fully implement a drug court in either county, but felt the funds could be used to hire a program coordinator who could then work towards full program implementation in whichever county the seventh judicial district court determines to focus its efforts.

## **ADMINISTRATIVE IMPLICATIONS**

SB 876 would allow the Seventh Judicial District court to implement and administer a Drug Court program.

The Correction Department's probation and parole programs could be stressed or impaired by increases in drug court clients that require probation/parole supervision. Typically, probation and parole officers are required to spend more time with drug court participants, i.e., more drug testing, more time spent on case management and more time spent in court appearances

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 259 Drug Court Funding & Expansion contains \$60,000 for an adult drug court in Socorro or Torrance County, leaving the county location to the seventh judicial district.

**OTHER SUBSTANTIVE ISSUES**

The seventh judicial district reports that drug and alcohol cases are prevalent throughout their district, with methamphetamine abuse growing substantially in the last few years. The seventh judicial district court believes its drug court programs will be collaborative, sustainable programs that will increase public safety, build community trust, and develop healthier families and communities.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Drug offenders will not receive the treatment and attention they need. Thus, they may violate their probation conditions and be sent back to prison.

CS/nt