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FISCAL IMPACT REPORT

ORIGINAL DATE 2/18/07

SPONSOR Lujan, B LAST UPDATED _____ HB 1289

SHORT TITLE Hobbs Crime Laboratory SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NA	\$450.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	\$80.0	\$80.0	\$160.0	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Department of Public Safety (DPS)

No Responses Received From

Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 1289 appropriates \$450.0 from the general fund to the Department of Public Safety to operate a crime laboratory in Hobbs.

FISCAL IMPLICATIONS

The appropriation of \$450.0 contained in this bill is a recurring expense to the general fund. Any

unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

DPS states the appropriation being requested assumes the City of Hobbs and Lea County will provide a refurbished building ready for occupancy as a forensic laboratory including equipment, subsidized rent and utilities.

To establish a satellite crime laboratory in Hobbs, New Mexico, it will require purchasing laboratory equipment, hiring laboratory personnel and providing annual training. In support of this effort, Lea County and the City of Hobbs have joined together to dedicate a facility that will be remodeled to house the crime lab. AODA states this county and municipal effort will significantly reduce the cost to the state in establishing the new facility.

AODA notes the necessary equipment needed includes gas chromatograph mass spectrometers, gas chromatographs, infrared and gas chromatograph spectrophotometers and microscopes. AODA states the cost of the individual items of equipment ranges from \$20,000 for suitable microscopes, to \$80,000 for gas chromatographs and as much as \$150,000 for gas chromatograph mass spectrometers.

The crime lab will require a director and two to three analysts who will perform analyses and travel to testify in court. AODA reports the salary range for analysts to be from \$29,000 to \$51,000 annually and the director's salary to be approximately \$100,000 annually. AODA notes the annual training is estimated to be approximately \$6,000 per year. The salary and training costs would be somewhere between \$282,000 and \$344,000 per year. The personnel costs would be recurring expenditures for the Department of Public Safety.

SIGNIFICANT ISSUES

DPS states the most significant issue facing the proposed legislation is the recruiting and retention of qualified forensic scientists. The Department of Public Safety's Forensic Laboratory Bureau is currently requesting the services of a professional recruiting agency to fill vacancies. DPS states there is an additional non-recurring expense of \$80 thousand for fiscal years 2008 and 2009 for the recruiting fees for the forensic scientists. If the positions are filled in fiscal year 2008, the fiscal year 2009 funding for recruitment fees will not be needed.

The backlog at state crime laboratory facilities has repeatedly been highlighted in news reports during the fall of 2006. Laboratory facilities are severely overburdened with pending cases, and extensive travel of analysts to distant locations to testify in court proceedings against defendants charged with drug crimes. Currently, there are two state crime labs: Northern Crime Lab located in Santa Fe and Southern Crime Lab located in Las Cruces. It is not uncommon for analysts to be served with subpoenas which demand their simultaneous appearance in multiple jurisdictions on a single day, often in locations far removed from the lab locations.

AODA reports the backlog is so great that the Northern and Southern Crime Labs that often they do not process samples until there is a court date. AODA states the defense bar, aware that the unavailability of lab results will preclude conviction, often refuses to engage in plea negotiations until drug lab analysis results have been received. Cases end up in the court system for many months when they could have been resolved quickly with available lab analysis. AOC notes this also forces victims, family members, witnesses and other to wait longer for case resolution. This

congestion in the courts often results in cases lost through dismissal, or failure to file due to the inability of the state to prove the substances in question were illegal drugs. AODA notes this happens even though the seized substances field test positive as illegal drugs and the circumstances surrounding the arrest fully support that the individuals were engaged in drug crime.

AODA reports the proposed crime laboratory would be located in Hobbs, New Mexico, and would primarily serve the Fifth, Ninth, Tenth and Twelfth judicial districts. The southeastern part of the state has a severe problem with methamphetamine abuse as well as other drug abuse and trafficking. AODA notes establishing a satellite crime lab would significantly enhance community efforts to control drug related crime.

PERFORMANCE IMPLICATIONS

The Department of Public Safety has the performance measure “percent of deoxyribonucleic acid cases processed within seventy days from submission.” The target for this measure in fiscal year 2006 was 90 percent and the actual in fiscal year 2006 was 44.8 percent.

AOC states the proposed legislation may have an impact on performance measures pertaining to cases disposed of as a percent of cases filed and percent change in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

DPS states there should be no significant administrative impact. The Forensic Laboratory Bureau Chief will be required to travel to oversee some of the operations and will be involved in the accreditation process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has a relationship with Senate Bill 1157 which appropriates \$750 thousand to the Department of Public Safety for the same purpose.

OTHER SUBSTANTIVE ISSUES

AODA states the burgeoning methamphetamine problem in New Mexico exacts an enormous toll in wasted lives and drug-ridden communities. A significant proportion of the property crimes in affected areas are committed by addicted individuals desperate to obtain enough money to buy more drugs. There are frequently young children who suffer serious neglect due to the parent’s drug abuse, and who subsequently end up in the custody of CYFD. AODA notes the cost to the victims and to the citizens of New Mexico from unchecked methamphetamine and other drug abuse is significant in both dollars and lives.

On December 5, 2006, the governor announced a \$751 thousand funding increase for the state crime labs to hire eight new technicians and increase scientist salaries by 10 percent to help reduce the backlog of crime analysis. Also, the governor stated he would ask the State Board of Finance to fund a \$500 thousand emergency loan to the Department of Public Safety for a portable crime lab addition to the Southern Crime Lab in Santa Fe. This request was made and the State Board of Finance did fund the \$500 thousand emergency loan to the Department of Public Safety. The Department of Public Safety is requesting a special appropriation in fiscal

year 2008 to repay the loan to the State Board of Finance.

ALTERNATIVES

AODA reports an alternative is to the proposed legislation is to increase the staffing at the Southern Crime Lab in Las Cruces sufficiently to accommodate the demand for drug testing and analysis and the demand on personnel to travel to testify in court proceedings in distant areas of the state.

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