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FISCAL IMPACT REPORT

SPONSOR HJC ORIGINAL DATE 3/05/07
LAST UPDATED _____ HB 1311/HJCS
SHORT TITLE Public Peace, Health, Safety and Welfare SB _____
ANALYST Hanika Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		see narrative				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute for House Bill 1311 amends Section 66-7-506 NMSA 1978 to include a DWI recidivism prevention component in all driver rehabilitation programs for alcohol or drugs approved by the traffic safety bureau. The substitute also provides language clean-up to bring the bill into compliance with existing terminology.

FISCAL IMPLICATIONS

The substitute is unclear which driver rehabilitation programs are being asked to include a DWI recidivism prevention component; and, does not provide an appropriation for this effort.

The substitute relates to the LFC FY08 budget containing \$296.0 of the Drug Court Replacement request, \$69.8 of the Drug Court Expansion request; and, \$386 of the New Drug Court request. In January 2006, The New Mexico Supreme Court approved a Five-Year Plan for Growth of New Mexico Drug Courts (available at www.nmadcp.org). That plan has two main goals: (1) to implement a drug court program in every county of the state; while (2) providing a predictable and stable funding request to the legislature each year of the plan.

SIGNIFICANT ISSUES

New Mexico has benefited from the success of a drug court model, with its drug court programs growing from 1 in 1994 to 30 active today, with several more in the pilot and planning stages. 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. Currently, there are drug court programs in 12 of the state's 13 judicial districts, and 18 of the state's 33 counties. It is unclear how DWI rehabilitation programs as defined in the bill can participate and benefit from this successful model.

PERFORMANCE IMPLICATIONS

The "Traffic Safety Bureau" assists in carrying out the provisions of the Traffic Safety Act. State law currently provides for DWI prevention and education in programs designed for school-aged children and youth; and, in approved drivers-education classes.

ADMINISTRATIVE IMPLICATIONS

The Drug Court Advisory Committee and the state's drug court coordinators have worked with the LFC to establish performance measures for New Mexico drug court programs. The drug court programs provide performance measure data quarterly to the LFC.

Additional AOC staff will be necessary for continued oversight of any statewide DWI rehabilitation program additions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to SB 259, Drug Court Funding & Expansion

OTHER SUBSTANTIVE ISSUES

The long history of positive outcomes for drug courts asks the question: If drug court programs can reduce recidivism among the populations they now serve, could the drug court model, applied to impaired drivers be as successful? In the University of New Mexico's evaluation of the Bernalillo County Metropolitan Court's DWI/Drug Court Program, only 36 of the 341 graduates had been rearrested for DWI since the program's inception, which reflects a recidivism rate of only 10.6%.

AHO/mt