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FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/07

SPONSOR Garcia, M.J. LAST UPDATED _____ HB _____

SHORT TITLE Meritorious Deductions for Certain Offenders SB 618

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Attorney General's Office (AGO)
 New Mexico Corrections Department (NMCD)
 New Mexico Sentencing Commission (NMSC)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 618 would amend Section 33-2-34 NMSA 1978 to prohibit serious violent offenders from earning any lump-sum awards.

FISCAL IMPLICATIONS

NMCD states it is difficult to determine whether or not the proposed legislation will increase the department's prison population or associated operating costs. NMCD states the annual cost of incarcerating an inmate is \$23,867 per year for males and \$21,651 per year for females. The cost per client in probation and parole for a standard supervision program is \$1,467 per year, for an intensive supervision program is \$3,383 per year, for a NMCD community corrections program is \$3,503 per year, for a privately-owned community corrections program is \$7,917 per year, and for male and female residential community corrections program is \$39,401 per year.

AOC states there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. AOC reports new

laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts requiring additional resources.

SIGNIFICANT ISSUES

NMCD states that the proposed legislation would require that serious violent offenders to serve at least 85 percent of their prison sentences.

NMCD reports Section 33-2-34 (A) of statute indicates that inmates designated as serious violent offenders, pursuant to Section 33-2-34 (L)(4) are entitled to earn meritorious deductions, also known as good time, of up to four days a month if they actively participate in approved programming. Inmates not deemed as serious violent offenders generally earn up to 30 days per month of regular good time if they actively participate in approved programming.

NMCD reports that under current law lump-sum award are currently given to inmates including serious violent offenders for the following reasons: completing an approved vocational, substance abuse or mental health program; GED; associate's degree; bachelor's degree; graduate qualification; or engaging in a heroic act of saving life or property or other extraordinary conduct far in excess of normal program assignments that demonstrates the inmate's commitment to self-rehabilitation. NMCD reports Section 33-2-34 (D) and (E) clearly indicates that all inmates, with the exception of inmates serving life or death sentences, are able to earn lump-sum earned meritorious deductions in addition to the regular good time that they may earn. So under current law serious violent offenders are eligible to earn lump-sum award in addition for the four days of regular good time per month.

NMSC reports that over the last three years the commission has completed a legislatively mandated Earned Meritorious Deduction Study. NMSC states across the three years, serious violent offenders served 85.7 percent of their prison sentence. This is slightly more than the mandated 85 percent of their prison sentences. NMSC reports that only a small minority of serious violent offenders earn lump-sum deductions. NMSC estimates that 16.3 percent of the serious violent offenders earning a 4 day deduction for every 30 days served on their sentence earn an average additional 14 days off their sentence in lump-sum awards.

PERFORMANCE IMPLICATIONS

AOC states the proposed legislation may have an impact on the performance measures of the district courts in the following areas: case disposed of as a percent of cases filed and percent change in case filings by case type.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation is a duplication of House Bill 763.

OTHER SUBSTANTIVE ISSUES

NMSC states researchers in the field of corrections conclude that good time is used as a social control mechanism by prison officials. Restrictions on work and education programs in prisons can reduce incentives for good behavior.