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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07

SPONSOR M. Sanchez LAST UPDATED _____ HB _____

SHORT TITLE Domestic Violence Offender Treatment Fund SB 1076

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 1076 expands the definition of domestic violence offender and thus expands the eligibility for participants in the domestic violence offender treatment program which is paid for from the Domestic Violence Offender Treatment Fund (Fund). The Fund is earmarked from court fees to go to the Children, Youth and Families Department (CYFD) for treatment of domestic violence offenders. Currently the law defines a domestic violence offender in two ways and thus allows their treatment to be paid for through the Fund: 1) those convicted for an offense pursuant to the Crimes Against Household Members Act, 30-3-10 NMSA 1978; and 2) those convicted of violating an order of protection granted under the Family Violence Protection Act, 40-13-1 NMSA 1978. SB 1076 adds two more definitions to this section and thus expands the number of persons eligible to receive treatment under the Fund: 1) persons referred to a treatment program by a domestic violence special commissioner; and 2) persons who participate in a domestic violence offender treatment program voluntarily. The creation of domestic violence commissioner is established under the Rules of Civil Procedure for District Courts, Article 6 Trials/ 1-053.1.

The bill also corrects other appropriate citations of law to conform to these changes.

FISCAL IMPLICATIONS

CYFD currently contracts out these services to 11 domestic violence programs around the state. CYFD has budgeted \$562.0 for FY07 and expects total revenue for FY08 of \$660.0. The bill does not make more money available but allows more offenders to have access to the treatment programs. CYFD may likely budget more of available revenue on an annual basis, but prudent fiscal management will require CYFD not budget all available revenue annually.

SIGNIFICANT ISSUES

CYFD currently contracts these services to 11 domestic violence (DV) programs around the state. CYFD has budgeted \$562.0 in FY07 and expects at total revenue for FY08 of \$660.0. During FY06 these 11 local DV agencies served 1,161 clients using the programs available under this Fund out of a total 2,226 DV offenders served by these programs. The major reason for only approximately half of the offenders being served by this Fund is the current requirement for a person to be first convicted under this statute before they can receive services through the Fund. Judges are reluctant to convict before the client receives services. With these changes, judges will be able to refer offenders to programs financed through this Fund before a criminal conviction. These changes will also allow eligibility to programs funded through this Fund to offenders that are in civil courts for domestic violence.

This may improve the effectiveness and efficiency of all domestic violence funds in the state. More domestic violence offenders will be eligible for treatment under this Fund, with its specific treatment programs and judicial reporting requirements to ensure better outcomes from the treatment program. Treatment for offenders will be shifted away from other DV programs and funding that are better geared to domestic violence victims and witnesses of domestic violence.

OTHER SIGNIFICANT ISSUES

The LFC notes that SB 1076 does not contain additional funding to support services to the additional clients that would be eligible for participation in the program. Without additional funding, providers may not be able to service all eligible clients or will have to somehow reduce the rate charged per client. The LFC suggests that SB 1076 perhaps be amended to include language prioritizing new participants based on factors such as number of offences, etc.

WEP/mt