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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07
 LAST UPDATED 3/5/07 HB _____

SPONSOR Griego

SHORT TITLE Small County Detention Facility Reimbursement SB 1181/aSJC

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$4,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of SJC Amendment

Clarifies the definition of “eligible county” to be a “qualifying county” as opposed to the original language of “small county.”

Synopsis of Original Bill

Senate Bill 1181 appropriates \$4,000.0 from the General Fund to the Small County Detention Facility Reimbursement Fund to distribute to counties that meet the requirements of being "eligible" as defined under the Small Counties Assistance Act, NMSA 4-61-1 through 4-61-3. For FY 2007, those counties were Catron, Cibola, Curry, De Baca, Grant, Guadalupe, Harding, Hidalgo, Luna, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Sierra, Socorro, Taos, Torrance, and Union. This appropriation is to assist the designated counties with their costs of incarceration of certain felony offenders.

FISCAL IMPLICATIONS

The appropriation of \$4,000.0 contained in this bill is a recurring expense to the General Fund.

Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

SB 1181 appropriates \$4,000.0 from the General Fund to the Small County Detention Facility Reimbursement Fund for distribution to selected counties to assist them with their costs of incarceration of certain felony offenders. A felony offender is defined as a person convicted of a felony and sentenced to confinement in a facility designated by the Correction Department who (1) has been released from confinement and is a dual supervision offender (on both probation and parole) and has violated his parole or is charged with a parole violation; or has violated probation or is charged with a probation violation; or while on parole, is charged with a violation of local, state, tribal, federal or international law; or (2) has been released from confinement and is serving a parole term and has violated his parole or is charged with a parole violation; or while on parole, is charged with a violation of local, state, tribal, federal or international law; or (3) is awaiting transport and commitment to the Corrections Department following the revocation of parole or a sentencing hearing for a felony conviction.

The distribution would be based primarily on a formula developed by the NM Sentencing Commission (NMSC) with an additional amount set aside for smaller counties with demonstrated need. NMSC has already developed a methodology for distributing funds to counties based on the ratio of a county's eligible offenders and all eligible offenders. \$30.0 of the appropriation would go to NMSC to maintain the data needed to maintain the formula. The Commission would provide LGD a list of counties with the appropriate share of the distribution. LGD would distribute \$30.0 from the CDRF to NMSC for data maintenance and 70% of the remaining appropriation to counties according to the NMSC formula. The balance will be reserved for counties designated as needing additional resources due to inadequate base revenues by LGD.

SB 1181 defines "eligible county" as " a small county as defined in the Small Counties Assistance Act ..." Those counties that qualified in FY 2007 for funds according to The Small Counties Assistance Act, Sections 4-61-1 through 4-61-3 are: Catron, Cibola, Curry, De Baca, Grant, Guadalupe, Harding, Hidalgo, Luna, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Sierra, Socorro, Taos, Torrance, and Union.

OTHER SUBSTANTIVE ISSUES

Distributions, annually on or before January 30, would provide 70% of the new Fund to eligible counties, less \$30.0 to the New Mexico Sentencing Commission with the fund remainder going to counties designated by the Department of Finance and Administration Local Government Division as needing additional resources due to inadequate base revenues.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 316, SB 410, HB 357, & SB 192.

WEP/nt