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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/31/08

SPONSOR Varela LAST UPDATED \_\_\_\_\_ HB 516

SHORT TITLE School Based Offenses Restoration SB \_\_\_\_\_

ANALYST Cox

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$300.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Education (PED)  
Children, Youth and Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

House Bill 516 requests an appropriation of three hundred thousand dollars (\$300,000) from the General Fund to the Public Education Department for expenditure in fiscal years 2009 through 2011 for the development and implementation by the Santa Fe Public School district of a restorative justice program as an alternative method to deal with school-based offenses. Any unexpended or unencumbered balance remaining at the end of fiscal year 2011 shall revert to the general fund.

### FISCAL IMPLICATIONS

The appropriation of three hundred thousand dollars (\$300,000) contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2009 shall revert to the General Fund.

PED would be the fiscal agent for HB 516. It is estimated that it would take approximately 40 hours of time by an Education Administrator O (\$22.74 x 40 + 30% Benefits = \$1,182) to develop, administer and monitor the distribution of the funding by the PED.

## SIGNIFICANT ISSUES

PED states:

Restorative justice is a theory of justice that is based on the common values and principles of accountability, reparation, reintegration, inclusion and effective communication. Restorative justice focuses on crime as an act against another individual or community rather than the state. The victim plays a major role in the process and may receive some type of restitution from the offender. Currently, restorative justice is a broad term which encompasses a growing social movement to institutionalize peaceful approaches to harm, problem-solving and violations of legal and human rights. This ranges from international peacemaking tribunals such as the South Africa Truth and Reconciliation Commission to innovation within the criminal justice system, schools, social services and communities. Restorative resolutions engage those who are harmed, wrongdoers and their affected communities in search of solutions that promote repair, reconciliation and the rebuilding of relationships. Restorative justice seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within our communities. Restorative approaches seek a balanced approach to the need of the victim, wrongdoer and community through processes that preserve the safety and dignity of all (Restorative Justice, ND).

Crime increases fear, reduces quality of life and causes injury to victims, survivors and communities, and while the criminal justice system prosecutes and punishes offenders, the emotional and physical damage to people and communities may often go unresolved. Restorative justice programs seek to repair the harm caused by crime through a comprehensive and cooperative process that enables the victim, the offender and affected members of the community to be directly involved in responding to the crime. These programs promote healing for the victim by allowing the victim to voluntarily meet the offender, to express the impacts of the crime and to encourage the offender to take responsibility for the resulting harm.

Restorative justice rehabilitates offenders and reintegrates them into the community by providing an opportunity for the victim, the offender and community members to develop a plan to address the harm together. The shared responsibility in finding constructive resolutions to crime gives communities a meaningful voice in the cause and effect of crime in their communities. The community-centered approach of restorative justice programs can contribute to reductions in recidivism, increased compliance with restitution agreements and victim satisfaction.

Restorative justice practices can reduce costs to the criminal justice system by providing alternatives to incarceration and decreasing judicial caseloads (Wikipedia, ND).

References:

Restorative Justice New Mexico. *What is Restorative Justice*, ND. Retrieved January 29, 2008, from <http://www.rjnm.org/Whatis/>.

Wikipedia, The Free Encyclopedia. *Restorative Justice*. Retrieved January 29, 2008, from [http://en.wikipedia.org/wiki/Restorative\\_Justice](http://en.wikipedia.org/wiki/Restorative_Justice).

**CYF notes:**

Restorative justice as an alternative to traditional court proceedings and other responses to criminal offenses is a growing trend in the United States. However, this bill is unclear as to what “school-based offenses” are classified as. According to current statute, all complaints alleging delinquency "shall be referred to probation services," and therefore, if school-based offenses addressed by this bill include delinquent acts, CYFD/JJS would be involved in the referral and

restorative justice process. Probation services has the authority to handle up to three misdemeanors per child in a two-year period informally (without judicial action) as to deter and intervene in the best interest of the child, family and the community, which could include restorative justice programs.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 516 relates to HB 568. (6<sup>th</sup> District Restorative Justice Services) House Bill 516 relates to HB 519 (Santa Fe Schools Youth Court Initiative).

PRC/nt