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FISCAL IMPACT REPORT

SPONSOR Lopez ORIGINAL DATE 1/26/08 HB _____
LAST UPDATED _____
SHORT TITLE County Jail Overcrowding Law Study SJM 34
ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Sentencing Commission (NMSC)
New Mexico Corrections Department (NMCD)

No Responses Received From

Department of Finance Administration (DFA)
Governor's Office
Association of Counties (AOC)

SUMMARY

Synopsis of Bill

Senate Joint Memorial states that the Legislature of the State of New Mexico recognizes the lack of statutory authority provided to county governments to manage effectively county jail populations. The joint memorial also directs the interim legislative committee that studies correction issues, in collaboration with the New Mexico Association of Counties, to study current law relating to jail operations, report its findings and make recommendations for legislation prior to the First Session of the Forty-Nine Legislature.

FISCAL IMPLICATIONS

NMSC states this is a large assignment for any group to undertake and would probably require funding in the end.

SIGNIFICANT ISSUES

NMCD reports that Bernalillo County is indeed overcrowded, and other county jails may be overcrowded as well. NMCD notes counties do have to house a large number of accused individuals awaiting trial. Counties also house parole violators and probation violators, as well as convicted offenders who have been sentenced to the New Mexico Corrections Department and are awaiting transport. NMCD reports there has been much dispute and discussion about whether the counties or the state must pay for the housing of these offenders, but at least some of the counties are in need of bed space more than they need or want payment. NMCD states new laws might help counties reduce their overcrowding, which might enable the department to house parole violators in county jails when needed without contributing to the overcrowding of the county jails.

NMCD states it certainly would like to see the counties get some relief to their ongoing problems through new laws, but these new laws could create even more significant problems if no consideration is given to the effect that any proposed law might have on the Corrections Department, the state in general and other entities.

ALTERNATIVES

NMCD suggests perhaps involving the New Mexico Sentencing Commission in this study and appropriate money to the commission to perform the study. Also, NMCD suggest allowing the department and state to become involved in the study, discussion or resolution of this problem as well.

RPG/nt