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FISCAL IMPACT REPORT

SPONSOR O'Neill ORIGINAL DATE 2/02/09
LAST UPDATED _____ HB 399
SHORT TITLE Restorative Justice Dialogue Program SB _____
ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$30.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

House Bill 399 appropriates \$30 thousand from the general fund to the New Mexico Corrections Department to create and implement a dialogue program between victims and offenders that promotes restorative justice.

FISCAL IMPLICATIONS

The appropriation of \$30 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY10 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

SIGNIFICANT ISSUES

NMCD notes that the Department is already promoting restorative justice programs around the state. This bill would enable the Department to create and implement its own form of dialogue or restorative justice. This program would play a vital part in the Department's prison reform/reentry efforts.

The PPD expands.

Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is accomplished through cooperative processes that include all of the stakeholders. Under this model, the offender and the victim together identify the harm and take steps to repair it. This model is used only when the victim and the offender both want to participate. Restorative justice programs may include: victim offender mediation, victim assistance, restitution or community service among other approaches.

It is not clear from the bill where the Corrections Department would establish the program. If the program were made part of the probation department, it would have a positive impact on the Department because it could result in fewer trials and fewer probation violation cases. The Department handles thousands of probation violation cases each year and any program that has the potential to reduce that number of probation violation cases would directly benefit this Department.

If the program were made part of the prison itself, it would still be a beneficial program, but it would have no impact on the Public Defender Department.

MW/svb