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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/12/09  
 SPONSOR E. Barela LAST UPDATED 3/18/09 HB 700/aHAFC  
 SHORT TITLE Alternative Juvenile Judicial Adjudication SB \_\_\_\_\_  
 ANALYST Sanchez, C

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	\$0.0	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
Indeterminate	Indeterminate	Indeterminate	Recurring	Juvenile Adjudication Fund

(Parenthesis ( ) Indicate Revenue Decreases)

Duplicates, SB 526

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Administrative Office of the Courts (AOC)
- Bernalillo County Metropolitan Court (BCMC)
- Administrative Office of the District Attorney (AODA)
- Public Defender (PD)
- Department of Corrections (DOC)
- Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HAFC Amendment

The HAFC amendment to HB 700 increases the judicial education fee from \$2 to \$3.

Synopsis of Original Bill

House Bill 700 amends Section 66-8-116.3 of the Motor Vehicle Code. The bill adds a \$1.00 fee to penalty assessment misdemeanors to fund a juvenile adjudication fund. Money in the fund is to be used to provide an alternative means of adjudication for juveniles charged with misdemeanor offenses. The fund is to be administered by the department of finance and administration.

**FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. It is estimated that this fee collection would generate \$150,000 from the Motor Vehicle Division.

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.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

**SIGNIFICANT ISSUES**

According to the AOC, this bill appears to fund “teen courts” in New Mexico. Teen courts offer alternatives such as community service for youth that have committed misdemeanor crimes and encourage family involvement. The programs provide services to youth in a number of areas including DWI prevention, substance abuse prevention and counseling. There are currently over 20 teen courts in New Mexico but there no uniform or standard operating guidelines for running a teen court and no performance measures available by which to measure their performance.

**ADMINISTRATIVE IMPLICATIONS**

The Metropolitan Court has historically seen an increase in the number of “failure to appear” and “failure to pay” warrants that are issued each time the fees and costs related to penalty assessment misdemeanors and other traffic offenses are increased.

**DUPLICATION, RELATIONSHIP**

Duplicates SB 526; Related to HB 444 which provides funding for a Teen Court in Dona Ana County. Related to HB 263, which addresses district and magistrate court fees.

**OTHER SUBSTANTIVE ISSUES**

According to the AODA, greater use of Teen Courts, Alternative Dispute programs and the like, lessen the need for District Attorneys offices to act as Children’s Court Attorneys on relatively minor criminal offenses. It is possible that fewer formal adjudicatory prosecutions would provide judicial economy and savings in time and money for individual District Attorney’s offices.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo.

CS/mt