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FISCAL IMPACT REPORT

SPONSOR Stapleton ORIGINAL DATE 03/13/09
LAST UPDATED _____ HJM 84
SHORT TITLE Study New Mexico Prisoner Conditions SB _____
ANALYST Weber

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	Indeterminate	Indeterminate			Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SJM 71

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

Millions of tax dollars are spent annually on imprisoning criminals while recidivism rates remain high. At least one-half of all convicts are incarcerated for nonviolent crimes. Prison environments are often overcrowded, creating health hazards and facilitating the spread of disease. Violence is prevalent in many prisons, and many prisoners commit suicide. Most prisoners are under the age of thirty-five, and many are women and young adults. The cost of incarceration in New Mexico is at least ten times the cost of probation or parole. Effective programs and support structures can directly address recidivism and significantly reduce corrections costs. A disproportionate number of Hispanic, Native American and African American persons are incarcerated.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the Corrections Department be requested to convene a task force to study the condition of prisoners in New Mexico prisons and make recommendations for improvements, enlisting participation in the task force from the Workforce Solutions, Public Education, Higher Education and Human Services Departments; and

BE IT FURTHER RESOLVED that the task force present its findings and recommendations to the appropriate interim committee by the fall of 2009; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretaries of Workforce Solutions, Public Education, Higher Education and Human Services.

FISCAL IMPLICATIONS

The specific cost is indeterminate at this time but there would be per diem and mileage as well as production costs.

SIGNIFICANT ISSUES

The NMCD offers the following commentary.

Another task force to study prison conditions is simply not needed. The Department has already been involved in a myriad of task forces over the past several years. The Governor's Prison Reform Task Force already convened, completed its work and made numerous recommendations regarding programs focused on reducing recidivism rates, and provided a copy of its work to all legislators. The Department has already implemented that task force's recommendations to the extent fiscally possible. The Department already has appointed a Deputy Secretary of Reentry and Prison Reform and hired a Bureau Chief of Reentry and Prison Reform. Those positions, filled by highly qualified individuals, are both focused on lowering recidivism rates in New Mexico, and are adopting best practices and relying on evidence-based programs to reduce recidivism rates. A legislative Task force focused on gender specific programming for female inmates has already met and completed its work, and the Department has adopted its recommendations to the extent possible. An Attorney General task force regarding prison oversight met this past year and completed its work, and a bill is pending this session seeking to implement the recommendations of that task force.

The Department's prisons are not overcrowded, and its population has stayed basically the same for the past year. The Department cannot pick and choose whom it incarcerates (be they under age 35, women, mostly minorities, etc.) and must incarcerate those committed to its custody. The Department has adopted a classification and custody system developed by a nationally recognized expert, and its rates of prison violence are well below national averages. Both the Governor's Prison Reform Task Force and the AG Prison Oversight Task Force have commented that the Department is operating smoothly, with low levels of violence, and in a responsive and open manner to the public. The Department's facilities are fully accredited by ACA (American Correctional Association) and NCCHC (National Commission On Correctional Health Care), and that includes accreditation for inmate mental and physical health care. The Department's inmate suicide rates are not high, and the Department examines each suicide with the goal of trying to always improve its quality of care and already existent high quality suicide prevention programs and protocols.

The Corrections Department can certainly consult with or discuss issues with the agencies listed as task force members in the Memorial, but it does not need to convene a task force to do this.

MW/svb