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FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/09

SPONSOR McSorley LAST UPDATED _____ HB _____

SHORT TITLE Local Jail Programs and Escape SB 6

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 See Below	Indeterminate See Below	Indeterminate See Below		Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act
Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
Department of Public Safety (DPS)
Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 6 modifies NMSA 1978, § 30-22-8.1 to allow a charge of escape from a community correction program to be brought against a defendant where the program had been approved by either a judge, sheriff, or a jail administrator. Presently the law requires judicial approval of the program to support such a charge.

The criminal penalty for the crime of escape remains unchanged by this bill: it is a misdemeanor if the offender was committed to the program for a misdemeanor charge, and it is a fourth degree felony if the offender was committed to the program for a felony charge.

Further, the bill provides that the sheriff or jail administrator may grant good time to a prisoner, removing the present statute's requirement of judicial approval for such a grant.

The bill makes small technical changes in the wording of the statute as well, but these do not affect the substance of the law.

FISCAL IMPLICATIONS

NMCD notes the following implications.

Since sheriffs and jail administrators are probably more likely to place offenders into community custody release programs than are judges, it is likely that more offenders will now be placed into such programs. This increases the likelihood that more of these offenders will escape from such programs, and be charged and convicted of this crime.

The additional felony convictions resulting from this bill would increase the Department's costs by leading to minimal to moderate increases to the inmate population and probation/parole caseloads. The bill seems unlikely to lead to a substantial number of new felony convictions, or to result in a substantial increase in the Department's inmate population or probation/parole caseloads. However, it is always difficult to accurately predict or estimate the ultimate effect of any bill expanding a crime. There is no appropriation in the bill to the Department to cover any of the Department's increased costs associated with the expansion of this crime.

The contract/private prison annual cost of incarcerating an inmate is \$27,761 per year for males. The cost per client to house a female inmate at a privately operated facility is \$31,600 per year. The cost per client in Probation and Parole for a standard supervision program is \$1,205 per year. The cost per client in Intensive Supervision programs is \$3,848 per year. The cost per client in Community Corrections is \$3,830 per year. The cost per client per year for male and female residential Community Corrections programs is \$25,161.

There may be some minimal increases in the Department's revenue (caused by a minimal amount of revenue generated by the probation/parolee supervision fees paid by those offenders convicted of this expanded crime and placed on probation or parole). However, any small revenue increases would be more than offset by the costs associating with incarcerating one or more offenders convicted of this expanded crime.

MW/mt