

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/09

SPONSOR Morales LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE 6<sup>th</sup> District Restorative Justice Services SB 179

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NA	\$276.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Public Defender (PD)

Department of Corrections (DOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 179 would appropriate \$276,000 from the General Fund to the Sixth Judicial District Court for expenditure in FY 2010 to provide juvenile and adult offender restorative justice services in the Sixth Judicial District. Services would include mediation, community conferencing and justice circles, and serve as a model for the effectiveness of restorative justice services in the courts. Any unexpended or unencumbered balance remaining at the end of FY 2009 shall revert to the General Fund.

### FISCAL IMPLICATIONS

The appropriation of \$276,000 would permit the Sixth Judicial District Court to hire a part-time employee (0.5 FTE) to support this project. The remaining funds (contractual) would be used for the design and implementation of restorative justice practices and research and evaluation to incorporate best practices and monitor and demonstrate effectiveness. Community volunteers and donations will provide additional support.

The total amount of \$276,000 would be used for recurring expenses, and increases the budget of the 6th Judicial District court.

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**

In 2004, the 6th Judicial District was able to secure funding from the Juvenile Justice Advisory Council (JJAC) to implement a Restorative Justice Program in Grant County. According to the AOC, the Grant County Restorative Justice Program has been successful, with positive results for the local judiciary, schools, and law enforcement. This appropriation would allow for the expansion of the model, clearly demonstrating its effectiveness, and make it possible to offer the services of restorative justice district-wide. It will provide restorative justice services that repair the harm done in crime, provide closure for victims, hold offenders accountable, contribute to public safety, and build a stronger sense of community.

Restorative justice is an emerging approach in modern criminal justice that has roots in traditional community values. It is a set of practices grounded in the following values and principles:

- Crime is an act that harms people and affects the community. It is not just about breaking the law.
- Victims of crime should have the opportunity to face the person who caused them harm.
- The offender is accountable to the victim and community for the harm he or she has caused.
- Effort must be made to repair the harm and restore all parties affected to the extent possible.
- Effective response to crime includes building offender competency.

Building offender competency/skills serves to reduce the need for further criminal justice intervention. Restorative justice provides the following benefits:

- Victims are provided an opportunity to face the offender, ask questions only the offender can answer, and express the impact of the crime on themselves and their family.
- The community has a meaningful voice in the cause and effect of crime in their neighborhoods.
- Studies consistently show a reduction in repeat offenses by offenders after participating in restorative justice. Offenders realize that it is about more than just breaking the law, and that they have affected others. They are in turn supported in repairing the harm in a meaningful way.
- Participants indicate high satisfaction for the process.

**PERFORMANCE IMPLICATIONS**

A portion of the funding will be used to evaluate the program, incorporate best practices and monitor and demonstrate the effectiveness of the program.

**OTHER SUBSTANTIVE ISSUES**

The Public Defender Department supports legislation tending to improve the overall operation of the criminal justice system and to prevent recidivism.

Restorative justice differs from the traditional criminal justice model in that it seeks to resolve disputes by balancing the rights of offenders and the needs of victims. These programs recognize the need to rehabilitate offenders and the duty to protect the public. To the extent that restorative justice programs prevent recidivism, they could reduce Public Defender caseloads. Additionally, restorative justice programs tend to help the Department by providing an alternative to trials, which require greater time and resources.

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

The Sixth Judicial District will no longer be able to support the Restorative Justice programs it has been using successfully, causing court cases and costs to again rise. Victims will have less satisfaction in having their cases resolved, and offenders will not have the opportunity to learn the full consequences of their actions nor to build empathy essential to preventing recidivism.

CS/mt