

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 2/2/09

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

SHORT TITLE Jail Diversion Program SB 381

ANALYST Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$200.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Corrections Department (CD)

Sentencing Commission (SC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 381 appropriates \$200,000 from the General Fund to the Local Government Division of the Department Of Finance And Administration for expenditure in FY 2010 for Grant County for continuation of a jail diversion program in Grant, Luna and Hidalgo counties.

### FISCAL IMPLICATIONS

The appropriation of \$200,000 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2010 shall revert to the General Fund.

According to the December 2008 revenue estimate, FY 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 venue context.

**SIGNIFICANT ISSUES**

The Substance Abuse and Mental Health Services Administration (SAMHSA) funded a jail diversion program addressing the needs of persons in the rural areas of Catron, Hidalgo, Grant, and Luna counties in 2006. The money was used to implement a program to place offenders in treatment instead of jail.

CD notes this bill could result in fewer inmates placed in certain county jails. There could be an indirect positive impact for the CD. When county jails get overcrowded, those counties always tend to look at ways to try to send some of those inmates to CD prisons. For example, some counties like to argue that the CD should house probation violators who are awaiting their revocation hearings, but the law clearly does not place that responsibility on the CD. Any bill that helps reduce county jail inmate populations lessens the attempts by some counties to send some of their inmates to CD prisons, and lessens the administrative staff time that the CD must spend dealing with counties on these types of issues.

**ADMINISTRATIVE IMPLICATIONS**

The affected agencies should be able to handle the enforcement of the provisions in this bill as part of ongoing responsibilities

DW/svb