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FISCAL IMPACT REPORT

ORIGINAL DATE 02/12/09

SPONSOR Sanchez, B. LAST UPDATED _____ HB _____

SHORT TITLE Alternative Juvenile Judicial Adjudication SB 526

ANALYST Sanchez, C.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$15.0			Nonrecurring	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 HB 700

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 Bill

Senate Bill 526 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. Senate Bill 526 appropriates \$15 thousand to the AOC to implement an additional fee code in the accounts receivable software program which is needed to account for those fees collected in magistrate courts statewide. It is estimated that this fee collection would generate \$84,280, from the Magistrate Courts, \$43,000 from the Bernalillo County Metropolitan Court and \$150,000 from the Motor Vehicle Division (a total of \$277,280).

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 HB 700; 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