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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/04/13  
 SPONSOR HCPAC LAST UPDATED 03/09/13 HJM 44/HCPACS  
 SHORT TITLE Study Rehabilitative Needs of Juveniles SB \_\_\_\_\_  
 ANALYST Chavez/Chabot

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$20.0		\$20.0	Nonrecurring	Operating Budgets

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 142

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorney (AODA)
- Department of Public Safety (DPS)
- Children, Youth and Families Department (CYFD)
- New Mexico Corrections Department (NMCD)

### SUMMARY

#### Synopsis of Bill

House Joint Memorial 44 requests the Secretary of the CYFD to form a task force to study dual or blended sentencing changes that may promote the rehabilitation of adjudicated youthful offenders and may protect the safety of New Mexico communities. It further resolves the task force include stakeholders with as many different perspectives as possible and include representatives from the CYFD's Juvenile Justice Division, including an youth care specialist I or II working on the floor of a juvenile justice facility; the Administrative Office of the Courts; the New Mexico Supreme Court; the New Mexico District Judges Association; the Department of Public Safety; the Administrative Office of the District Attorneys; the Public Defender Department; a local law enforcement agency; a county juvenile detention administrator; the New Mexico Corrections Department; a county adult detention administrator; a nonprofit organization that serves the legal needs of youth and their families; a representative from the Corinne Wolfe Children's Law Center; the New Mexico Tribal-State Judicial Consortium; the New Mexico

Sentencing Commission; the Juvenile Justice Advisory Committee; the New Mexico Council on Crime and Delinquency; state legislators from both parties; and other interested parties as appropriate.

The task force findings would be reported to the appropriate interim legislative committee before October 2013.

## **FISCAL IMPLICATIONS**

There is no funding for this memorial and participants will have to pay their own expenses. CYFD will have to absorb all administrative costs associated with the memorial. LFC estimates costs will approximate \$20 thousand spent between the participating agencies.

## **SIGNIFICANT ISSUES**

This memorial proposes to study dual or blended sentencing and other changes that will promote the rehabilitation of adjudicated youthful offenders and the safety of persons working with them. It is to include studying how to reduce recidivism, disproportionate minority contact and public safety.

In previous analysis, the AOC notes that youthful offenders are juveniles who are alleged to have committed serious or violent delinquent acts. These acts would be criminal charges if committed by an adult. Dual or blended sentencing allows a judge to impose concurrent juvenile and adult penalties on youthful offenders. Offenders who violate the conditions of their juvenile adjudication would serve adult sentences under dual sentencing provisions. It adds that the juvenile delinquency system strives to rehabilitate delinquents and offenders (youthful and serious youthful) because they are children. This is significantly different from adult criminal sentencing which is punitive in nature. Dual or blended sentencing as an approach to rehabilitation can be analyzed by determining how youthful offenders may be best rehabilitated, while also creating safe communities and juvenile delinquency facilities.

Also in previous analysis, the NMCD states that it would welcome the opportunity to work with the task force's various members to help determine which youthful offenders should be sent to the NMCD custody and which remain in the juvenile system, with the goal of enhancing public safety while still promoting the rehabilitation of the youthful offenders.

According to the CYFD, the goal of this study is to improve the juvenile justice system in a manner that improves the safety of the public, the youth care specialists working with these youth, and the youth themselves.

## **RELATIONSHIP**

HJM 44 relates to HB 142, which proposed amendments to the Delinquency Act of the Children's Code, including providing for dual or blended sentencing of a youthful offender and SJM 51 which proposes a study of services, including behavioral health, for youthful offenders and establishing uniform programs statewide.

KC/GAC/svb:blm