

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 and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Stapleton **ORIGINAL DATE** 02/05/14
LAST UPDATED 02/06/14 **HJM** 15/aHJC

SHORT TITLE Study Pre-Booking Diversion Program **SB** _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown	NFI	Unknown	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Joint Memorial 15 clarifies the memorial calls for a feasibility study for law enforcement assisted diversion and the New Mexico Association of Counties should be transmitted a copy of the memorial. The amendment strikes the requirement to transmit the memorial to the director of the children's court and the director of the Bernalillo county youth services center.

Synopsis of Original Bill

House Joint Memorial 15 directs the New Mexico legislative council to direct the appropriate interim legislative committee to study the applicability of implementing a statewide law enforcement assisted diversion program, modeled on the law enforcement assisted diversion program operating in Santa Fe.

The appropriate interim legislative committee shall be requested to prepare a report and presents its findings and recommendations by November 1, 2014.

Copies of this memorial shall be transmitted to the New Mexico Legislative Council, the Administrative Office of the Courts, the Secretary of Public Safety, the secretary of Corrections, the director of the Bernalillo county detention center, the director of children's court and the director of the Bernalillo county youth services center.

FISCAL IMPLICATIONS

The AOC reports a potential for a “minimal” cost associated enactment of HJM 15, and the NMCD states notes no fiscal impact from enactment. The AODA has stated that it will likely incur costs related to HJM 15 but did not quantify a potential impact. It is likely that any additional costs incurred by state agencies related to HJM 15 may be absorbed in their base budgets.

SIGNIFICANT ISSUES

Recently the City of Santa Fe and the First Judicial District Attorney’s Office have jointly undertaken a pre-booking diversion program for low level drug abusers. The program is modeled after the Seattle LEAD (Law Enforcement Assisted Diversion) program, which is a new approach that seeks to accomplish the goals of reduced criminal behavior and improved public safety by connecting low-level drug offenders with treatment and social services. The program is built upon a harm reduction philosophy, in which the goal is to reduce as much as possible the harm done to themselves and to the surrounding community through problematic drug activity.

The City of Santa Fe has provided the seed money and Task Force members have been soliciting money from private foundations to fund the program. The City of Santa Fe has awarded a small contract to a local program to provide intensive case management to the offender’s referred to the LEAD program.

CJ/svb