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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/15

SPONSOR Torraco LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Expand School Equivalency for Incarcerated SB 361/aSEC

ANALYST Chenier

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications	See Fiscal Implications	See Fiscal Implications	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Higher Education Department (HED)

New Mexico Corrections Department (NMCD)

### SUMMARY

#### Synopsis of SEC Amendment

The Senate Education Committee Ammendment to SB 361 changes the title of the bill allowing for less restrictive language as to the type of education inmates can enroll in; strikes mandatory language; adds a new paragraph stating that every inmate shall be assessed and placed in appropriate educational programming based on capacity and need; and, makes formatting changes.

#### Synopsis of Bill

Senate Bill 361 would amend Section 33-11-3 NMSA 1978, the section of law requiring NMCD to adopt rules requiring inmates to attain a minimum education standard, by removing the following qualifications:

- Requiring the inmate to have committed their crime after the effective date of the inmate literacy act;
- Requiring the inmate to have eighteen months or more remaining to be served on the term of incarceration; and,
- Removes a section allowing the department to adopt regulations that would:

- Exclude inmates incarcerated for less than 90 days,
- Exclude inmates classified as minimum custody, and
- Defer educational requirements for inmates with sentences longer than ten years.

The bill also makes grammatical changes and changes references from “general education diploma” to “high school equivalency credential”.

## **FISCAL IMPLICATIONS**

NMCD stated that the amendment gives NMCD the administrative flexibility and authority to educational programming with individual inmate needs. The amendment does maintain the current law’s requirement that the inmate must participate in the educational program for ninety days and can thereafter withdraw, and also appropriately maintains the current law’s requirement that any such withdrawal makes the inmate ineligible for “good time” and for monetary compensation for work performed.

HED provided the following:

The removal of exclusions will likely result in an increase in the Adult Education learner population in the corrections system and a corresponding increase in cost. Specific data to describe the increase in the number of eligible mandated students is not available at this time, and the change should be examined to determine the likely increase in costs. Adult Education in New Mexico’s prison system is partially funded as a share of the State’s Adult Education grant from the U.S. Department of Education. The increase in cost to the Department of Corrections could result in a significant funding loss to twenty-five other Adult Education Programs throughout the State.

EC/je