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FISCAL IMPACT REPORT

SPONSOR SPAC ORIGINAL DATE 1/17/17
 LAST UPDATED 2/06/17 HB _____

SHORT TITLE Protection Order Exclusion Zone Project SB 23/SPAC

ANALYST Downs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$58.0	\$58.0	\$116.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Administrative Office of the Courts (AOC)
- Bernalillo County Metropolitan Court (BCMC)
- Public Defender Department (PDD)
- Administrative Office of the District Attorneys (AODA)
- Department of Public Safety (DPS)
- New Mexico Corrections Department (NMCD)
- New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of SPAC Substitute

The Senate Public Affairs Committee substitute for Senate Bill 23 allows the Second Judicial District Court to implement a pilot program to assess the use of global positioning systems to monitor exclusion zones for cases in which orders of protection have been violated or if a restrained party is found to be a credible threat to the protected party. The global positioning tracking device would transmit the restrained party's prohibited location to the protected party, law enforcement, and would allow communication through the device between monitors and the restrained party. The bill allows the Second Judicial District Court to seek federal or other funding to support the pilot, and also allows the court to order the restrained party to pay for the device.

FISCAL IMPLICATIONS

The Second Judicial District court may incur additional costs in implementing this pilot project. The average annual salary of a probation officer in the Second Judicial District Court, including benefits, is \$53 thousand, which would be a recurring expense if an additional probation officer were hired for the implementation of the pilot. Miscellaneous costs associated with one employee can be estimated at \$5 thousand, bringing the total recurring cost to the district court for an additional probation officer to \$58 thousand. The Senate Public Affairs Committee substitute for Senate Bill 23 includes permissive language, so if budget does not permit the pilot project to happen in fiscal year 2018, the court is not obligated.

According to PDD, it is possible that more repeat violations would be prosecuted as a result of the data reported by the electronic monitoring system, which could result in the need for PDD or the 2nd district attorney to hire more trial attorneys with greater experience. The average attorney salary, without benefits, at a district attorney's office is \$70.7 thousand, and the average attorney salary, without benefits, at PDD is \$70.3 thousand.

SIGNIFICANT ISSUES

According to AODA, the Second Judicial District Attorney's office could be affected by the pilot program when additional findings have to be made to establish the geographic zones following original violation of a protection order, and additional hearings must be scheduled when a restrained party enters a restricted area. AOC reported that the Second Judicial District Court issued over one thousand orders of protection in 2014, all instances in which Senate Bill 23 could have provided more safety to protected parties. The Attorney General noted GPS monitoring could also reduce costs of incarceration while allowing the restrained party to continue to work and fulfill other obligations. Roughly 23 other states currently have similar laws utilizing GPS technology to monitor domestic violence offenders.

Senate Bill 23 would not include misdemeanor criminal charges against a violator of an order of protection because these charges would be filed in Metropolitan Court and it appears that GPS monitoring for the restrained party would not apply.

JD/al/sb