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FISCAL IMPACT REPORT

ORIGINAL DATE 2/4/2018
 LAST UPDATED 2/9/2017

SPONSOR HJC HJM 16/HJCS

SHORT TITLE Criminal Justice Task Force SB _____

ANALYST Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$96.0	\$0.0	\$96.0	Nonrecurring	General Fund

Relates to/Companion to: HB 252, appropriating \$100 thousand for the purpose of convening the Task Force.

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Office of the Attorney General (NMAG)
 Children, Youth and Families Department (CYFD)
 Department of Public Safety (DPS)

Responses Not Received From

Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)
 Human Services Department (HSD)
 Department of Health (DOH)
 New Mexico Corrections Department (NMCD)
 Association of Counties
 Municipal League

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute for House Joint Memorial 16 requests that the Chief Justice of the New Mexico Supreme Court convene a criminal and public safety task force (Task Force) to: (1) identify issues of primary concern within the state’s criminal justice and public safety systems and (2) develop a strategic plan to ameliorate those concerns. The joint memorial requires that the Task Force be convened by April 1, 2018 and that a report and specific recommendations for improvements to the state’s criminal justice and public safety systems be submitted to the legislature no later than October 15, 2018. The Task Force is to be chaired by a representative of the courts, and members are to include:

- Attorney General
- President of the NM District Attorneys Association
- Chief Public Defender
- Secretary of Corrections
- Secretary of Public Safety
- Secretary of CYFD
- Secretary of Health
- Secretary of Human Services
- Executive Director of NM Association of Counties
- Executive Director of NM Municipal League
- Up to four members appointed by the chair

FISCAL IMPLICATIONS

AOC estimates the costs associated with facilitating and managing the task force are estimated at \$96 thousand for a 0.50 FTE contract facilitator/project manager.

No other agency identified fiscal implications.

SIGNIFICANT ISSUES

HJCS also allows for members of the task force to appoint designees to participate in lieu of themselves.

AOC provided the following detailed analysis:

First, the memorial requires the task force to “identify the issues of primary concern within the state’s criminal justice and public safety systems and to develop a strategic plan to ameliorate those concerns, including measurable outcomes to help ensure that public investments in improvements to that system are as efficient and effective as possible.” NMRA 21-304A provides that, “A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is required by law, or is one that concerns the law, the legal system, or the administration of justice.” The committee commentary acknowledges the value of judges accepting appointments to entities that concern the law, the legal system or the administration of justice but cautions that:

“Even in such instances, however, a judge should assess the appropriateness of accepting an appointment, paying particular attention to the subject matter of the appointment and the availability and allocation of judicial resources, including the judge’s time commitments, and giving due regard to the requirements of the independence and impartiality of the judiciary.”

Any representative of the courts, appointed by the Chief Justice to chair the Task Force, will be required to operate within the limited confines of this rule and may therefore be required to limit the scope of the work assigned to the Task Force.

Second, given the complexity of the crime problem and the scope of the Task Force’s responsibilities, the memorial’s October 15 deadline likely does not provide adequate time for the thorough review and evaluation of the issues contemplated by the memorial.

Finally, the complexity of the issues, the breadth of representation on the Task Force, and the limited amount of time available to complete the work, will require significant administrative support to assure the Task Force accomplishes the tasks specified in the memorial. Data and relevant information will need to be gathered from each of the stakeholders and organized and presented to the Task Force for review and study; meetings will need to be professionally facilitated to maximize the time and efforts of Task Force members; and meeting notes and action items distributed in time for members to plan for and prepare for the next meeting. Moreover, in order to avoid duplicating efforts, the Task Force will at a minimum to coordinate with the LFC analysts responsible for researching the crime problem in Bernalillo County, the Legislature’s committee on criminal justice reform, and the Bernalillo County Criminal Justice Review Commission.

The NMAG notes that “there is no clear indication as to the duties for each member of the task force as it relates the compilation of the “specific recommendations for improvements” that would ultimately need to be presented to the legislature.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

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