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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/2020

SPONSOR HJC LAST UPDATED _____ HM 14/aHJC

SHORT TITLE Juvenile Detention Study By NM Counties SB _____

ANALYST Bachechi

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Nonrecurring	

(Parenthesis () Indicate Expenditure Decreases)

HM 14 and SM 15 are duplicate bills.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 New Mexico Attorney General (NMAG)
 New Mexico Counties (NMC)
 Children, Youth, and Families Department (CYFD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment strikes “administrative office of the district attorneys” and inserts in lieu thereof “New Mexico district attorney association.”

Synopsis of Original Bill

HM14 requests New Mexico Counties to convene a taskforce of stakeholders to study and make recommendations regarding:

1. Ways to share the costs of juvenile detention facilities among county, state and city governments;
2. Ways to create alternatives to juvenile detention;
3. Ways to improve court processes and procedures that negatively impact detained youth;
4. The feasibility of training and certifying a statewide transportation team;
5. Funding for qualified residential treatment facilities for youth with substance abuse

- issues, mental illness and/or developmental disabilities;
6. Ways to promote gender-based and LGBTQ approaches to juvenile detention; and
 7. Ways to increase community resources to address the needs of youth and reduce criminal justice involvement.

The task force is to be made up of representatives from the Supreme Court or Administrative Office of the Courts, Children, Youth and Families Department, the New Mexico Municipal League, Administrative Office of District Attorneys, Law Offices of the Public Defender, and system-impacted youth.

The Office of the Courts, noted that a representative from the district courts should also be included because district court judges are the ones who hear delinquency cases and their knowledge and experience will be important in considering any improvements needed to court processes and procedures.

New Mexico Counties is asked to report findings and recommendations to the appropriate interim legislative committees by December 1, 2020.

FISCAL IMPLICATIONS

New Mexico Counties is not requesting funds to convene the taskforce and implement the study.

SIGNIFICANT ISSUES

New Mexico has achieved a more than an 80 percent drop in its youth incarcerations over the last 10 years as a result of systematic reforms to promote least restrictive placements and a commitment to prevention and early intervention for young people at the front-end of the juvenile justice system. The state has worked to develop evidence-based responses to delinquency that are more cost-effective and humane and provide better outcomes for youth, their families and communities.

In FY19, 7,628 youth were referred to the juvenile justice system for services, including probation violation, non-delinquent referral, and delinquent referral. Nearly all of the referred juveniles were handled informally through local community rehabilitative programs. Only 98 youth, or about 1 percent, were committed to a juvenile facility. The relatively small number of youth for whom confinement is justified need facilities that can provide a humane and developmentally appropriate setting in which their delinquent behavior can be treated effectively. Placement of a young person outside of their home community can result in loss of school credits, loss of services that a young person may have been receiving in their home community, and loss of family connections.

The Children, Youth, and Families Department and Counties are grappling with how to maintain a system that supports appropriate and safe placement and is also cost-effective. While CYFD's average daily population of clients in custody decreased 8.5 percent in fiscal 2019, the cost of operating the secure facilities remains static with over 40 percent of the beds empty. Likewise, a number of counties are choosing to close their juvenile facilities when weighing the cost of operating more than half empty facilities. Of the 33 counties in the state, only six still operate juvenile detention facilities and at least two of these counties are currently contemplating

closure. The limited number of facilities still operating has created both fiscal and geographic challenges. Youth are now being transported to facilities in other counties, resulting in stress on both the law enforcement system and families, and county governments who still operate facilities, are left with a disproportionate share of the costs. See Attachment, “*Statewide Impact of County Juvenile Detention Facility Closures.*”

ADMINISTRATIVE IMPLICATIONS

The memorial calls for a task force of stakeholders, including representatives from the Supreme Court or Administrative Office of the Courts, Children, Youth and Families Department, the New Mexico municipal league, Administrative Office of District Attorneys, Law Offices of the Public Defender, and system-impacted youth. To ensure meaningful participation, the work of the task force will require staff time from all of the stakeholder offices.

The Administrative Office of the Courts also noted that if the memorial led to recommendations about changes in court process or hearing timelines, there may be an increase in judge time and court staff time.

CYFD noted that it has as participated in meetings regarding this issue over the last year and continuing to participate will raise no concerns.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HM 14 and SM 15 are duplicate bills.

TECHNICAL ISSUES

This memorial requests that “New Mexico counties” (HM 14, p. 3, ln. 15-16) convene stakeholders to study and make recommendations.” It appears that this refers to New Mexico Counties (<https://www.nmcounties.org/>), a nonprofit entity that represents and provides support to New Mexico counties. However, because “counties” is not capitalized in the bill and New Mexico Counties is not otherwise identified, this could be read as requesting every New Mexico county to convene their own group of stakeholders.

Attachments:

1. Statewide Impact of County Juvenile Detention Facility Closures

CLB/al