

LFC Requester:	A. Sanchez
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original <input checked="" type="checkbox"/> Amendment <input type="checkbox"/>	Date <u>1/29/2015</u>
Correction <input type="checkbox"/> Substitute <input type="checkbox"/>	Bill No: <u>SB 317</u>

Sponsor: <u>Senator Mimi Stewart</u>	Agency Code: <u>AOC 218</u>
Short Title: <u>Bernalillo Criminal Justice Review Commission</u>	Person Writing: <u>Arthur W. Pepin</u>
	Phone: <u>827-4802</u> Email: <u>aocawp@nmcourts.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
None	None		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		
None	None	None		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 317 removes the June 30, 2015 sunset from the Bernalillo County Criminal Justice Review Commission created by HB 608 in the 2013 legislative session. SB 317 extends the Commission to June 30, 2025. SB 317 also amends the reporting requirement. In HB 608, the Commission was required to “report” to the LFC and the appropriate interim committee about the Commission’s recommendations to improve the delivery of criminal justice in Bernalillo County. SB 317 includes this reporting requirement but requires the reposts be provided in June and December of each year.

FISCAL IMPLICATIONS

The Commission filed the report required by HB 608 on November 18, 2014. That report recommended appropriation of up to \$7,110,000 to maintain and extend measures implemented or planned in Bernalillo County to accomplish the directives targeted by the Legislature in HB 608. Although SB 317 does not address funding, passage of SB 317 necessarily requires consideration of funding needed to accomplish the mandates imposed by the statute.

SIGNIFICANT ISSUES

Many cities of the size of Albuquerque maintain a Criminal Justice Coordinating Council or similar body composed of members similar to the composition of the Bernalillo County Criminal Justice Review Commission. It is not unusual for such bodies to exist by statutory authorization. Examples include the Criminal Justice Council of New Orleans and the Criminal Justice Advisory Council of Salt Lake County.

The Commission created by HB 608 has achieved success in the goals targeted in the legislation. A copy of the report made to the Legislature on November 18, 2014, is attached to this bill analysis. Also attached are the monthly reports issued by Bernalillo County on January 8, 2015 and December 2, 2014. Initiatives implemented with the support of the Commission in 2014 achieved a significant decrease in the population in the Metropolitan Detention Center (MDC). By federal court order, the population target is not more than 1,950. The inmate population fell below 1,950 in November 2014. This is the first time the population was less than 1,950 since 2003. In December 2014, the average population count of 1,804 was 526 people, or 22.6% less, than December of 2013. The decline in the population eliminated the need to ship inmates out of Bernalillo County, resulting in savings in FY 2014 of at least \$2 million for FY14 and expected savings in FY 2015 of an additional \$3.25 million.

Apart from cost savings, these initiatives have advanced the speed and efficiency of the criminal justice system. Among the results are: a significant reduction in the time alleged probation violators are held in MDC awaiting disposition of their alleged probation violation; reduction or elimination of financial release conditions as a barrier to pretrial release; expansion of pretrial services and reintroduction of community corrections as non-MDC methods of effecting pretrial release; development of the use of validated risk assessment instruments in phases of the criminal justice process to facilitate judicial decisions on pretrial release and sentencing; use of information and pretrial hearings as a speedier alternative to exclusive use of the grand jury in charging; and hiring an Assistant District Attorney to attend first appearance in the Bernalillo County Metropolitan Court to facilitate case resolution at an early stage.

On February 2, 2015, the district court will begin operating under a case management order designed to implement differentiated case management for the scheduling of criminal felony cases. The objective is to substantially reorganize case processing to greatly reduce the time to disposition of the several thousand felony cases filed each year. This major initiative required extraordinary cooperation among all parties to adopt a different model for case management, especially by the judges, prosecutors and defense attorneys.

It is unlikely these initiatives and the other initiatives described in the attached reports would have been achieved without the structural organization of the Bernalillo County Criminal Justice Review Commission initiated by HB 608. Extending the Commission to 2025 as proposed in SB 317 will continue that structure and provide a forum for all parties involved in the criminal justice system in Bernalillo County, where about 40% of criminal cases in New Mexico are processed, to improve and reform practices in the future. Adoption of SB 317 will increase the likelihood that the initiatives already implemented and those planned for 2015 will go forward. The outcome is less expensive, speedier resolution of criminal cases and a system that provides a greater opportunity to make effective the constitutional and statutory rights of defendants.

The significant criminal justice reforms to date and going forward could not be implemented without cost. Courts, prosecutors, defense attorneys, law enforcement agencies and others have contributed thousands of hours of “in kind” time compensated by state, county and local bodies to achieve these reforms. On two occasions the entire New Mexico Supreme Court met with the Commission to discuss criminal justice reforms and a Supreme Court Justice has attended most of the monthly Commission meetings. All Commission members have shown similar dedication to the goals stated in HB 608 and now in SB 317. In addition, Bernalillo County has contributed significant taxpayer funds to reform efforts. Consideration should be given if SB 317 is adopted to appropriations to fund reform efforts anticipated by extending the existence of the Bernalillo County Criminal Justice Review Commission.

PERFORMANCE IMPLICATIONS

The AOC participates in performance based budgeting. SB 317 continues the director of the AOC (or designee) as Chair of the Commission, a responsibility not included in the AOC’s performance measures but which requires AOC resources. The AOC supports the goals stated in SB 317 and will continue to work toward the success of the Commission. AOC’s efforts would be facilitated by general fund appropriations to Commission members as described in the report of November 18, 2014.

ADMINISTRATIVE IMPLICATIONS

Same as performance implications.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS