FISCAL IMPACT REPORT

		LAST UPDATED	
SPONSOR	Thomson	**ORIGINAL DATE**	02/09/2024
SHORT TITLE	CYFD Referral for Juvenile Correction Grants	**BILL NUMBER**	House Bill 220
		ANALYST	Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*
(dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact		

Parentheses ( ) indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Children, Youth and Families Department (CYFD)

Agency Analysis was Solicited but Not Received From
Department of Finance and Administration (DFA)

SUMMARY

Synopsis of House Bill 220

House Bill 220 would further define and change one of the criteria for obtaining a grant through the juvenile community correction grant fund. It alters Sections 33-9A-3, 33-9A-4 and 33-9A-5 NMSA 1978, which created the fund and set criteria for receiving a grant through that fund, to include organizations and governmental bodies providing services to divert adjudged delinquent youth from incarceration. The diversion programs would now be targeted to not just delinquents, but also "youth referred by the department (CYFD).

In several locations in the act, the word "delinquent" is changed to "child," reflecting current person-first language.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 220. The "juvenile community corrections grant fund" is now in existence; this bill would merely change the criteria for obtaining such a grant.

CYFD comments that "Fiscally, there will be no impact on the Department. However, the monies allotted will allow CYFD to expand eligibility to provide services to meet the needs of CYFD clients and families.

SIGNIFICANT ISSUES

CYFD appears to have been quite successful in diverting children from institutionalization in state facilities. According to a June 2023 LFC report, entitled "Progress Report: Juvenile Justice Facilities," the juvenile justice system has seen a gradual, sustained decline in referrals at least over the 13 years between 2009 and 2022; the number of referrals declined by 76 percent during that period. All categories of juvenile offense have been affected by this decrease: petty misdemeanors, misdemeanors, and fourth-degree felonies. Recidivism has also decreased by 5 percent over the five years prior to 2023.

CYFD notes that, perhaps paradoxically, its performance measure of recidivism rate may be negatively affected by diversion programs: "CYFD has performance metrics that could be impacted by this bill. If eligibility for these programs is expanded, fewer children may eventually enter the system through formal adjudication, which would be positive. Those who do enter the system through formal adjudication, however, may generally do so under more serious juvenile offenses and will be slightly more likely, as a group, to recidivate. This could potentially cause a fluctuation in recidivism-related performance measures that are not necessarily a result of diminished efforts by the agency, but rather changes in the makeup of children in the denominator portion of the equation." However, CYFD is supportive of opening up diversion grants to a wider population.

The same LFC report documents the slimming down of some juvenile correctional facilities, and the closing of others; reassignment of some of the employees of such state institutions has occurred at a slower rate, meaning that the monthly cost for each admitted adjudicated child has increased.

LAC/ne/al