

1 HOUSE BILL 267

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CRIMINAL JUSTICE REFORM; REQUIRING THE NEW MEXICO
12 SENTENCING COMMISSION TO CREATE A DATA-SHARING NETWORK FOR
13 CRIMINAL JUSTICE DATA; ADDING THREE MEMBERS TO THE NEW MEXICO
14 SENTENCING COMMISSION; AMENDING A SECTION OF CHAPTER 14,
15 ARTICLE 6 NMSA 1978 AND A SECTION OF THE MENTAL HEALTH AND
16 DEVELOPMENTAL DISABILITIES CODE; SPECIFYING THAT PHOTOGRAPHS,
17 FINGERPRINTS AND PALM PRINTS ARE BIOMETRIC IDENTIFYING
18 INFORMATION OF AN ARRESTED PERSON; PROVIDING REQUIREMENTS FOR
19 THE CONTENT AND DISPOSITION OF ARREST RECORDS; REQUIRING THE
20 DEPARTMENT OF PUBLIC SAFETY TO SHARE DATA WITH THE NEW MEXICO
21 SENTENCING COMMISSION; ENACTING THE CRIME REDUCTION GRANT ACT;
22 CREATING CRIMINAL JUSTICE COORDINATING COUNCILS IN EACH
23 JUDICIAL DISTRICT; REQUIRING CERTAIN STATE AGENCIES TO ISSUE
24 RULES AND REPORT ANNUALLY; MAKING AN APPROPRIATION.

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1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

2 SECTION 1. Section 9-3-10 NMSA 1978 (being Laws 1977,
3 Chapter 257, Section 11, as amended) is amended to read:

4 "9-3-10. NEW MEXICO SENTENCING COMMISSION--CREATION--
5 MEMBERSHIP--DUTIES.--

6 A. There is created the "New Mexico sentencing
7 commission".

8 B. The New Mexico sentencing commission shall be
9 composed of [~~twenty-four~~] twenty-seven members. Appointed
10 members shall serve at the pleasure of the appointing
11 authority. The commission shall reflect reasonable
12 geographical and urban-rural balances and regard for the
13 incidence of crime and the distribution and concentration of
14 law enforcement services in the state. The commission shall
15 consist of the following individuals or their designees:

- 16 (1) the attorney general;
- 17 (2) a district attorney appointed by the New
18 Mexico district [~~attorneys~~] attorney's association [~~of New~~
19 ~~Mexico~~] or its successor agency;
- 20 (3) the chief public defender;
- 21 (4) two district court judges, one of whom
22 shall be a children's court judge, appointed by the district
23 [~~court judge's~~] and metropolitan judges association [~~of New~~
24 ~~Mexico~~] or its successor agency;
- 25 (5) a magistrate judge [~~from the court of~~

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1 ~~appeals]~~ appointed by the chief [~~judge of the court of appeals]~~
2 justice of the supreme court;

3 (6) the dean of the university of New Mexico
4 school of law;

5 (7) the secretary of corrections;

6 (8) the secretary of public safety;

7 (9) the secretary of children, youth and
8 families;

9 (10) the secretary of public education;

10 (11) a representative from the behavioral
11 health services division of the human services department;

12 [~~(11)~~] (12) a county sheriff appointed by the
13 executive director of [~~the~~] New Mexico [~~association of~~]
14 counties;

15 [~~(12)~~] (13) two public members appointed by
16 the governor, one of whom shall be designated as chair of the
17 New Mexico sentencing commission by the governor;

18 [~~(13)~~] (14) three public members appointed by
19 the president pro tempore of the senate;

20 (15) one public member appointed by the
21 minority floor leader of the senate;

22 [~~(14)~~] (16) three public members appointed by
23 the speaker of the house of representatives;

24 (17) one public member appointed by the
25 minority floor leader of the house of representatives;

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1 [~~(15)~~] (18) two public members appointed by
2 the chief justice of the supreme court;

3 [~~(16)~~] (19) one public member who is Native
4 American and a practicing attorney, appointed by the president
5 of the state bar association; and

6 [~~(17)~~] (20) one public member appointed by the
7 governor who is a representative of a New Mexico [~~victim~~]
8 victims' organization.

9 C. A majority of the members of the New Mexico
10 sentencing commission constitutes a quorum for the transaction
11 of commission business.

12 D. The New Mexico sentencing commission shall:

13 (1) hold meetings at times and for periods as
14 the commission deems necessary;

15 (2) hire staff as needed to assist the
16 commission in the performance of its duties;

17 (3) prepare an annual budget;

18 (4) establish policies for the operation of
19 the commission and supervision of the activities of commission
20 staff;

21 (5) advise the executive, judicial and
22 legislative branches of government on policy matters relating
23 to criminal and juvenile justice;

24 (6) make recommendations to the legislature
25 concerning proposed changes to laws relating to the criminal

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1 and juvenile justice systems that the commission determines
2 would improve those systems;

3 (7) annually assess, monitor and report to the
4 legislature on the impact of any enacted sentencing standards
5 and guidelines on state and local correctional resources and
6 programs and the need for further sentencing reform;

7 (8) when developing proposed sentencing
8 reform:

9 (a) study sentencing models in other
10 jurisdictions;

11 (b) study the Criminal Sentencing Act,
12 the Criminal Code and all other New Mexico statutes relating to
13 criminal law, criminal sentencing, criminal procedure and
14 probation and parole;

15 (c) review past studies or reports
16 regarding proposed changes to the Children's Code, the Criminal
17 Code, the Criminal Sentencing Act or other New Mexico statutes
18 relating to criminal law, criminal sentencing, criminal
19 procedure or probation and parole;

20 (d) study past and current criminal
21 sentencing and release practices and create a statistical
22 database for simulating the impact of various sentencing
23 policies;

24 (e) study the full range of prison,
25 nonprison and intermediate sanctions;

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1 (f) determine the principal purpose for
2 criminal sanctions;

3 (g) rank criminal offenses by degree of
4 seriousness;

5 (h) determine the role of criminal
6 history in making criminal sentencing decisions;

7 (i) define dispositional policy that
8 determines when adult felony offenders are confined in state
9 prisons and county jails or sentenced to nonprison and
10 intermediate sanctions;

11 (j) establish the length of criminal
12 sentences;

13 (k) establish the appropriate use of
14 community service and fines;

15 (l) structure proposed sentencing
16 guidelines to ensure consistency in all aspects of criminal
17 sentencing policy;

18 (m) assess the impact of commission
19 recommendations to modify criminal sentencing policy on the
20 availability of and need for correctional resources and
21 programs;

22 (n) use the expertise of a national or
23 state organization with experience in sentencing reform; and

24 (o) present proposed legislation or
25 recommendations regarding sentencing reform to the appropriate

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1 legislative interim committee;

2 (9) monitor any enacted sentencing guidelines
3 with respect to uniformity and proportionality;

4 (10) conduct research relating to the use and
5 effectiveness of any enacted guidelines, prosecution standards,
6 offense charging, plea bargaining, sentencing practices,
7 probation and parole practices and any other matters relating
8 to the criminal justice system;

9 (11) serve as a clearinghouse for the
10 systematic collection, analysis and dissemination of
11 information relating to felony offense charges, plea
12 agreements, convictions, sentences imposed, incarceration time
13 actually served and actual and projected inmate population in
14 the state correctional system;

15 (12) review all proposed legislation that
16 creates a new criminal offense, changes the classification of
17 an offense or changes the range of punishments for an offense
18 and make recommendations to the legislature as to whether
19 proposed changes would improve the criminal and juvenile
20 justice system; ~~and~~

21 (13) contingent upon the availability of
22 funding, provide impact estimates, incorporating prison
23 population projections, on all proposed legislation that has
24 the potential to affect correctional resources;

25 (14) create and maintain a data-sharing

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1 network to receive, store, analyze and disseminate criminal
2 justice data for and between participating criminal justice and
3 behavioral health agencies for the purpose of evaluating local
4 and statewide criminal justice systems and programs and
5 supporting, encouraging and accomplishing information sharing
6 among criminal justice agencies and criminal justice
7 coordinating councils; and

8 (15) provide data analysis as requested by
9 criminal justice agencies and criminal justice coordinating
10 councils.

11 E. The members of the New Mexico sentencing
12 commission shall be paid pursuant to the Per Diem and Mileage
13 Act and shall receive no other perquisite, compensation or
14 allowance.

15 F. The New Mexico sentencing commission is
16 administratively attached to the office of the governor."

17 SECTION 2. Section 14-6-1 NMSA 1978 (being Laws 1971,
18 Chapter 137, Section 1, as amended) is amended to read:

19 "14-6-1. HEALTH INFORMATION--CONFIDENTIALITY--IMMUNITY
20 FROM LIABILITY FOR FURNISHING.--

21 A. All health information that relates to and
22 identifies specific individuals as patients is strictly
23 confidential and shall not be a matter of public record or
24 accessible to the public even though the information is in the
25 custody of or contained in the records of a governmental agency

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1 or its agent, a state educational institution, a duly organized
2 state or county association of licensed physicians or dentists,
3 a licensed health facility or staff committees of such
4 facilities.

5 B. A custodian of information classified as
6 confidential in Subsection A of this section may furnish the
7 information upon request to any of the following recipients,
8 and the custodian furnishing the information shall not be
9 liable for damages to any person for having furnished the
10 information:

11 (1) a governmental agency or its agent;

12 (2) a state educational institution;

13 (3) a duly organized state or county
14 association of licensed physicians or dentists; or

15 (4) a licensed health facility or staff
16 committees of such facilities [~~and the custodian furnishing the~~
17 ~~information shall not be liable for damages to any person for~~
18 ~~having furnished the information~~].

19 C. Statistical studies and research reports based
20 upon confidential information may be published or furnished to
21 the public, but these studies and reports shall not in any way
22 identify individual patients directly or indirectly [~~nor~~] or in
23 any way violate the privileged or confidential nature of the
24 relationship and communications between practitioner and
25 patient.

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1 D. This section does not affect the status of
2 original medical records of individual patients, and the rules
3 of confidentiality and accessibility applicable to these
4 records continue in force. This section does not affect the
5 status of vital statistical records of the department of health
6 [~~and environment department~~]."

7 SECTION 3. Section 29-3-8 NMSA 1978 (being Laws 1978,
8 Chapter 87, Section 1, as amended) is amended to read:

9 "29-3-8. [~~FINGERPRINT AND PALM PRINT IMPRESSIONS~~]
10 BIOMETRIC IDENTIFYING INFORMATION OF PERSONS ARRESTED--STATE
11 ARREST RECORDS--DISPOSITION.--

12 A. A [~~person arrested for~~] booking facility shall
13 collect biometric identifying information prior to release from
14 a person arrested for:

15 (1) the commission of a criminal offense
16 amounting to a felony [~~under the laws of this state or any~~
17 ~~other jurisdiction shall be required by the arresting peace~~
18 ~~officer or the jail to make fingerprint and palm print~~
19 ~~impressions prior to the person's release. The arresting peace~~
20 ~~officer or the jail shall obtain fingerprint and palm print~~
21 ~~impressions and a photograph];~~

22 (2) the commission of a criminal offense not
23 amounting to a felony but punishable by imprisonment for more
24 than six months under the laws of the state or a political
25 subdivision of the state; or

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1 (3) the violation of a provision of Section
2 66-8-102 NMSA 1978 or the violation of a municipal or county
3 ordinance prescribing criminal penalties for driving while
4 under the influence of intoxicating liquor or drugs.

5 B. Biometric identifying information shall be
6 obtained each time a person is arrested.

7 C. At the time [of fingerprinting and palm
8 printing] biometric identifying information is collected, the
9 booking facility shall create an arrest record with a state
10 arrest tracking number [shall be assigned to the fingerprint
11 and palm print records and the booking sheet.

12 ~~B. A person arrested for the commission of a~~
13 ~~criminal offense not amounting to a felony but punishable by~~
14 ~~imprisonment for more than six months under the laws of this~~
15 ~~state or any political subdivision shall be required by the~~
16 ~~arresting peace officer or the jail to make fingerprint and~~
17 ~~palm print impressions prior to the person's release. The~~
18 ~~arresting peace officer or the jail shall obtain fingerprint~~
19 ~~and palm print impressions and a photograph each time a person~~
20 ~~is arrested. At the time of fingerprinting and palm printing,~~
21 ~~a state tracking number shall be assigned to the fingerprint~~
22 ~~and palm print records and the booking sheet.~~

23 ~~G. A person arrested for violating a provision of~~
24 ~~Section 66-8-102 NMSA 1978 or committing a violation of a~~
25 ~~municipal or county ordinance prescribing criminal penalties~~

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1 ~~for driving while under the influence of intoxicating liquor or~~
2 ~~drugs shall be required by the arresting peace officer or the~~
3 ~~jail to make fingerprint and palm print impressions prior to~~
4 ~~the person's release. The arresting peace officer or the jail~~
5 ~~shall obtain fingerprint and palm print impressions and a~~
6 ~~photograph each time a person is arrested. At the time of~~
7 ~~fingerprinting and palm printing, a state tracking number shall~~
8 ~~be assigned to the fingerprint and palm printing records and~~
9 ~~the booking sheet.~~

10 ~~D. Fingerprint and palm print impressions shall be~~
11 ~~made pursuant to rules adopted by the department. Fingerprint~~
12 ~~and palm print record submission policies and a state tracking~~
13 ~~number system for fingerprint and palm print records shall be~~
14 ~~implemented pursuant to rules adopted by the department. All~~
15 ~~felony, misdemeanor and DWI arrest fingerprints and palm prints~~
16 ~~shall be made in duplicate. Both copies and a photograph of~~
17 ~~the person arrested shall be forwarded to the department within~~
18 ~~five days following the date of arrest.] provided by the~~
19 ~~department. The arrest record shall include:~~

20 (1) the date of arrest;

21 (2) the state arrest tracking number assigned
22 to the arrest record;

23 (3) the state personal identification number
24 assigned to the arrestee by the department;

25 (4) the arrestee's biometric identifying

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1 information; and

2 (5) a completed description with charge code
3 of each offense charged.

4 D. The department shall promulgate rules
5 addressing:

6 (1) collection of biometric identifying
7 information;

8 (2) submission of biometric identifying
9 information;

10 (3) creation of a state personal
11 identification number system to identify a person arrested and
12 charged with a crime and ensure that the same state personal
13 identification number is assigned to the person regardless of
14 the number of times the person is arrested or the location of
15 the arrest within the state; and

16 (4) creation of a state arrest tracking number
17 system for each arrest record.

18 E. At booking, the booking facility shall
19 immediately forward the arrest record and any other information
20 required by department rule to the department.

21 F. The department shall [~~forward one copy~~]
22 immediately provide the:

23 (1) biometric identifying information to the
24 federal bureau of investigation in Washington, D.C.;

25 (2) state personal identification number to

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1 agencies at all levels of government that are engaged in the
2 apprehension, prosecution or defense, adjudication,
3 incarceration or rehabilitation of criminal offenders; and

4 (3) arrest record to the administrative office
5 of the district attorneys for submission to the appropriate
6 prosecuting authority.

7 ~~[E.]~~ G. Biometric identifying information shall be
8 collected from an inmate who is charged with a felony or
9 misdemeanor offense while incarcerated ~~[shall be fingerprinted,~~
10 ~~palm printed and photographed]~~, and the jail or corrections
11 facility shall forward the offender's ~~[fingerprint and palm~~
12 ~~print records and photograph]~~ biometric identifying information
13 to the department.

14 ~~[F.]~~ H. The administrative office of the courts
15 shall provide to the department the disposition of all criminal
16 cases assigned a state arrest tracking number. The disposition
17 shall be provided in electronic format, promptly upon the
18 conclusion of the case.

19 ~~[G.]~~ I. The administrative office of the district
20 attorneys shall provide to the department the disposition of
21 all criminal cases assigned a state arrest tracking number when
22 the district attorney decides not to file charges in the case.
23 The disposition shall be provided in electronic format promptly
24 upon a district attorney's decision not to file charges in the
25 case.

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1 J. The department shall forward the disposition of
2 all criminal cases to the federal bureau of investigation and
3 the national crime information center within five business days
4 of receipt.

5 [~~H.~~] K. Law enforcement agencies, the
6 administrative office of the courts and the administrative
7 office of the district attorneys [~~may~~] shall allow the
8 department access to their records for the purpose of auditing
9 those records to ensure compliance with the provisions of this
10 section.

11 L. As used in this section:

12 (1) "biometric identifying information" means
13 physical characteristics used in verifying the identity of an
14 individual, including photographs, fingerprint impressions and
15 palm print impressions;

16 (2) "booking facility" means a jail, police
17 station, sheriff's office or other place of detention;

18 (3) "charge code" means the unique code
19 assigned to the crime from the master charge code table
20 distributed by the New Mexico justice information sharing
21 council;

22 (4) "state arrest tracking number" means an
23 incident-based unique number assigned to the arrest; and

24 (5) "state personal identification number"
25 means a unique number assigned to the arrestee based on the

1 arrestee's biometric identifying information."

2 SECTION 4. Section 29-3-11 NMSA 1978 (being Laws 2007,
3 Chapter 37, Section 1) is amended to read:

4 "29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--
5 DUTIES OF DEPARTMENT.--

6 A. The department of public safety shall develop,
7 operate and maintain a uniform crime reporting system and shall
8 be the central repository for the collection, storage,
9 retrieval and analysis of crime incident and arrest reports
10 generated by all law enforcement agencies in this state. The
11 system shall be operational as of January 1, 2008.

12 B. The department shall:

13 (1) compile statistical data and forward such
14 data as required to the federal bureau of investigation or the
15 appropriate department of justice agency in accordance with
16 standards and procedures of the national system;

17 (2) provide forms, standards and procedures
18 and related training to state and local law enforcement
19 agencies as necessary for the agencies to report incident and
20 arrest activity for inclusion in the statewide system;

21 (3) in conjunction with the New Mexico
22 sentencing commission, annually publish a report on the nature
23 and extent of crime in New Mexico and submit the report to the
24 governor and to the legislature;

25 (4) maintain the privacy and security of

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1 information in accordance with applicable state and federal
2 laws; ~~and~~

3 (5) provide the New Mexico sentencing
4 commission access to the data collected and maintained by the
5 department; and

6 ~~(5)]~~ (6) establish rules as necessary to
7 implement the provisions of this section.

8 C. Every law enforcement agency in the state shall:

9 (1) submit crime incident reports to the
10 department of public safety on forms or in the format
11 prescribed by the department;

12 (2) submit any other crime incident
13 information as may be required by the department of public
14 safety; and

15 (3) use the ~~[state uniform statutory charge~~
16 ~~codes]~~ unique code assigned to the crime from the master charge
17 code table distributed by the New Mexico justice information
18 sharing council for the automated fingerprint identification
19 system and use uniform crime incident reporting as provided by
20 the department for all incidents and arrests.

21 D. The annual report and other statistical data
22 reports generated by the department shall be made available to
23 state and local law enforcement agencies, the administrative
24 office of the courts and the general public."

25 SECTION 5. Section 43-1-19 NMSA 1978 (being Laws 1977,

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1 Chapter 279, Section 18, as amended) is amended to read:

2 "43-1-19. DISCLOSURE OF INFORMATION.--

3 A. Except as otherwise provided in the code, no
4 person shall, without the authorization of the client, disclose
5 or transmit any confidential information from which a person
6 well acquainted with the client might recognize the client as
7 the described person, or any code, number or other means that
8 can be used to match the client with confidential information
9 regarding the client.

10 B. Authorization from the client shall not be
11 required for the disclosure or transmission of confidential
12 information in the following circumstances:

13 (1) when the request is from a mental health
14 or developmental [~~disability~~] disabilities professional or from
15 an employee or trainee working with a person with a mental
16 disability or developmental disability, to the extent that the
17 practice, employment or training on behalf of the client
18 requires access to such information is necessary;

19 (2) when such disclosure is necessary to
20 protect against a clear and substantial risk of imminent
21 serious physical injury or death inflicted by the client on the
22 client's self or another;

23 (3) when the disclosure is made pursuant to
24 the provisions of the Assisted Outpatient Treatment Act, using
25 reasonable efforts to limit protected health information to

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1 that which is minimally necessary to accomplish the intended
2 purpose of the use, disclosure or request;

3 (4) when the disclosure of such information is
4 to the primary caregiver of the client and the disclosure is
5 only of information necessary for the continuity of the
6 client's treatment in the judgment of the treating physician or
7 certified psychologist who discloses the information; ~~[or]~~

8 (5) when such disclosure is to an insurer
9 contractually obligated to pay part or all of the expenses
10 relating to the treatment of the client at the residential
11 facility. The information disclosed shall be limited to data
12 identifying the client, facility and treating or supervising
13 physician and the dates and duration of the residential
14 treatment. It shall not be a defense to an insurer's
15 obligation to pay that the information relating to the
16 residential treatment of the client, apart from information
17 disclosed pursuant to this section, has not been disclosed to
18 the insurer;

19 (6) when the request is from a physician, a
20 licensed psychologist or a qualified mental health professional
21 licensed for independent practice responsible for the
22 continuity of care of inmates with a mental or developmental
23 disability who are in a jail or corrections facility, and the
24 disclosure is only of information necessary for the continuity
25 of the client's treatment in the judgment of the treating

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1 mental health or developmental disability professional who
2 discloses the information;

3 (7) when such disclosure is by a physician, a
4 licensed psychologist or a qualified mental health professional
5 licensed for independent practice responsible for the treatment
6 of inmates in a jail or corrections facility to another mental
7 health or developmental disability professional responsible for
8 the continuation of care of the inmate upon the inmate's
9 release from a jail or corrections facility, and the disclosure
10 is only of information necessary for the continuity of the
11 client's treatment in the judgment of the treating professional
12 who discloses the information; or

13 (8) when the disclosure is made to a
14 governmental agency, its agent or a state educational
15 institution, a duly organized state or county association of
16 licensed physicians or dentists, a licensed health facility or
17 staff committees of such a facility for the purpose of
18 research, subject to the provisions of Section 14-6-1 NMSA 1978
19 and subject to the review of an institutional review board in
20 compliance with the federal Health Insurance Portability and
21 Accountability Act of 1996 or any succeeding legislation.

22 C. No authorization given for the transmission or
23 disclosure of confidential information shall be effective
24 unless it:

25 (1) is in writing and signed; and

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1 (2) contains a statement of the client's right
2 to examine and copy the information to be disclosed, the name
3 or title of the proposed recipient of the information and a
4 description of the use that may be made of the information.

5 D. The client has a right of access to confidential
6 information and has the right to make copies of any information
7 and to submit clarifying or correcting statements and other
8 documentation of reasonable length for inclusion with the
9 confidential information. The statements and other
10 documentation shall be kept with the relevant confidential
11 information, shall accompany it in the event of disclosure and
12 shall be governed by the provisions of this section to the
13 extent they contain confidential information. Nothing in this
14 subsection shall prohibit the denial of access to such records
15 when a physician or other mental health or developmental
16 disabilities professional believes and notes in the client's
17 medical records that such disclosure would not be in the best
18 interests of the client. In any such case, the client has the
19 right to petition the court for an order granting such access.

20 E. Where there exists evidence that the client
21 whose consent to disclosure of confidential information is
22 sought is incapable of giving or withholding valid consent and
23 the client does not have a guardian or treatment guardian
24 appointed by a court, the person seeking such authorization
25 shall petition the court for the appointment of a treatment

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1 guardian to make a substitute decision for the client, except
2 that if the client is less than fourteen years of age, the
3 client's parent or guardian is authorized to consent to
4 disclosure on behalf of the client.

5 F. Information concerning a client disclosed under
6 this section shall not be released to any other person, agency
7 or governmental entity or placed in files or computerized data
8 banks accessible to any persons not otherwise authorized to
9 obtain information under this section.

10 G. Nothing in the code shall limit the
11 confidentiality rights afforded by federal statute or
12 regulation.

13 H. A person appointed as a treatment guardian in
14 accordance with the Mental Health and Developmental
15 Disabilities Code may act as the client's personal
16 representative pursuant to the federal Health Insurance
17 Portability and Accountability Act of 1996, Sections
18 1171-1179 of the Social Security Act, 42 U.S.C. Section 1320d,
19 as amended, and applicable federal regulations to obtain access
20 to the client's protected health information, including mental
21 health information and relevant physical health information,
22 and may communicate with the client's health care providers in
23 furtherance of such treatment."

24 SECTION 6. [NEW MATERIAL] SHORT TITLE.--Sections 6
25 through 11 of this act may be cited as the "Crime Reduction
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1 Grant Act".

2 SECTION 7. [NEW MATERIAL] DEFINITIONS.--As used in the
3 Crime Reduction Grant Act:

4 A. "commission" means the New Mexico sentencing
5 commission; and

6 B. "grant administration agency" means a state
7 agency that receives appropriations for grants to criminal
8 justice coordinating council members for the purposes specified
9 in the Crime Reduction Grant Act.

10 SECTION 8. [NEW MATERIAL] CRIMINAL JUSTICE COORDINATING
11 COUNCILS CREATED--COMPOSITION--DUTIES.--

12 A. A criminal justice coordinating council is
13 created for each judicial district and may include
14 representation from within the district for:

- 15 (1) each court in the district;
- 16 (2) the district attorney;
- 17 (3) the district public defender office;
- 18 (4) law enforcement agencies;
- 19 (5) jails;
- 20 (6) correctional facilities;
- 21 (7) behavioral health programs; or
- 22 (8) other agencies and entities agreed upon by
23 the council.

24 B. Each criminal justice coordinating council shall
25 be convened by the chief judge of the district court in the

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1 judicial district.

2 C. Each criminal justice coordinating council shall
3 select a chair at its first meeting. The first meeting of each
4 council shall take place by August 1, 2019, and the council
5 shall subsequently meet at the call of the chair, but not less
6 than monthly.

7 D. Each criminal justice coordinating council shall
8 organize itself and adopt rules in a manner appropriate to
9 accomplish its duties pursuant to the Crime Reduction Grant
10 Act.

11 E. Public members of a council may receive per diem
12 and mileage pursuant to the Per Diem and Mileage Act and shall
13 receive no other compensation, perquisite or allowance.

14 F. A criminal justice coordinating council shall
15 develop a strategic plan to meet the requirements of this
16 section and shall to the extent possible:

17 (1) review the criminal justice system in the
18 judicial district, including judicial processes, law
19 enforcement, community corrections alternatives and sufficiency
20 of jail and detention facilities;

21 (2) identify criminal justice system problems
22 in the judicial district;

23 (3) develop data-driven policies and evidence-
24 based best practices designed to improve public safety
25 outcomes, cost-effective responses to crime and fair and

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1 efficient adjudication processes;

2 (4) apply as necessary to grant administration
3 agencies for crime reduction grants pursuant to the Crime
4 Reduction Grant Act;

5 (5) facilitate sharing of criminal justice
6 information between agencies as permitted by law; and

7 (6) in consultation with the commission,
8 develop data-sharing agreements and methods of data sharing to
9 allow system-wide analysis of criminal justice operations
10 within the judicial district and throughout the state.

11 G. Executive agencies and the administrative office
12 of the courts shall provide prompt responses to criminal
13 justice coordinating council requests for information.

14 SECTION 9. [NEW MATERIAL] APPLICATIONS FOR GRANTS--
15 PURPOSES--CONDITIONS.--

16 A. A criminal justice coordinating council may
17 apply to a grant administration agency on behalf of a member
18 for grants to the member from the appropriation to the grant
19 administration agency for that purpose.

20 B. Crime reduction grants may be made to:

21 (1) develop, expand and improve evidence-based
22 treatment and supervision alternatives to incarceration;

23 (2) reduce barriers to participation by
24 criminal offenders in preprosecution diversion or specialty
25 court programs;

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- 1 (3) develop or improve coordination of
- 2 services between law enforcement agencies and treatment
- 3 programs;
- 4 (4) establish law enforcement crisis
- 5 intervention teams;
- 6 (5) provide access to transitional or reentry
- 7 homes for individuals recently released from incarceration;
- 8 (6) develop or improve pretrial service
- 9 programs;
- 10 (7) recruit or retain law enforcement
- 11 officers, prosecutors, public defenders, corrections officers
- 12 and mental health workers;
- 13 (8) purchase equipment or provide training to
- 14 support any of the purposes provided in this section;
- 15 (9) develop or expand data-driven policing
- 16 programs; and
- 17 (10) staff a criminal justice coordinating
- 18 council.

19 C. Crime reduction grants shall be conditioned on
20 the agreement of a criminal justice coordinating council and
21 the recipient member to:

22 (1) use not more than five percent of a grant
23 for administrative costs of the recipient;

24 (2) in consultation with the commission,
25 develop data-sharing agreements and methods of data sharing

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1 among criminal justice agencies and with the commission to
2 allow system-wide analysis of criminal justice operations
3 within the judicial district and statewide;

4 (3) use or develop evidence-based best
5 practices for any programs operated with crime reduction
6 grants;

7 (4) develop performance measures in
8 consultation with the commission and the grant administration
9 agency to which a criminal justice coordinating council applied
10 for a grant;

11 (5) collect data to evaluate the effectiveness
12 of programs operated with crime reduction grants;

13 (6) in consultation with the commission,
14 evaluate quarterly the process, outputs and other performance
15 measures and outcomes of programs funded with grants for
16 compliance with all provisions of the Crime Reduction Grant
17 Act;

18 (7) provide a monthly report to the commission
19 for review and comparison with other programs receiving grants
20 for similar purposes; and

21 (8) provide an annual report to the grant
22 administration agency by October 1 of each year regarding
23 program outcomes from use of the grant.

24 D. The commission shall assist with the
25 implementation of data-sharing agreements to ensure compliance

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1 with crime reduction grants.

2 E. Each grant administration agency shall identify
3 and require the use or development of evidence-based best
4 practices for programs operated with crime reduction grants
5 distributed by that grant administration agency.

6 F. A grant administration agency may consider any
7 outcome reported to it by a grant recipient from a previous
8 year in making a determination of whether to make subsequent
9 grants or the amount of a subsequent grant.

10 SECTION 10. [NEW MATERIAL] RULES.--Each grant
11 administration agency shall adopt rules necessary to administer
12 the provisions of the Crime Reduction Grant Act.

13 SECTION 11. [NEW MATERIAL] REPORTS.--

14 A. Each grant administration agency shall report to
15 the commission annually by November 1 of each year regarding
16 the:

17 (1) applications for grants made during the
18 previous fiscal year by each criminal justice coordinating
19 council;

20 (2) purpose and amount of each grant approved
21 by the grant administration agency for each member for the
22 previous fiscal year; and

23 (3) processes, outputs and outcomes resulting
24 from the use of the grant.

25 B. The commission shall report to the legislature

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1 annually by December 1 of each year regarding the data-sharing
2 network, including data derived from crime reduction grant
3 data-sharing agreements.

4 SECTION 12. APPROPRIATIONS.--

5 A. Thirty-one million five hundred seventy-eight
6 thousand five hundred fifty dollars (\$31,578,550) is
7 appropriated from the general fund to the following agencies as
8 grant administration agencies for expenditure in fiscal year
9 2020 and subsequent fiscal years; provided that the grant
10 administration agency shall not allocate more than five percent
11 of the appropriation for administration expenses:

12 (1) one million fifty thousand dollars
13 (\$1,050,000) to the administrative office of the courts to
14 allocate up to seventy-five thousand dollars (\$75,000) to each
15 criminal justice coordinating council in addition to other
16 funding received for staff to support the council;

17 (2) three million dollars (\$3,000,000) to the
18 administrative office of the courts for pretrial services;

19 (3) two hundred sixty thousand dollars
20 (\$260,000) to the administrative office of the district
21 attorneys to replace the loss of fees from preprosecution
22 diversion programs;

23 (4) five hundred thousand dollars (\$500,000)
24 to the administrative office of the district attorneys for
25 crime reduction grants to reduce financial barriers to

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1 participation by criminal offenders in preprosecution diversion
2 programs;

3 (5) one million twenty-six thousand dollars
4 (\$1,026,000) to the administrative office of the district
5 attorneys for crime reduction grants to recruit and retain
6 prosecutors in areas of the state with less than three hundred
7 thousand residents according to the most recent federal
8 decennial census;

9 (6) six hundred thousand dollars (\$600,000) to
10 the public defender department for crime reduction grants to
11 improve representation in areas of the state with less than
12 three hundred thousand residents according to the most recent
13 federal decennial census;

14 (7) two hundred fifty thousand dollars
15 (\$250,000) to the public defender department for crime
16 reduction grants to expand social work and case management
17 services in areas of the state with less than three hundred
18 thousand residents according to the most recent federal
19 decennial census to address causes of recidivism;

20 (8) ten million three hundred fifty-seven
21 thousand eight hundred dollars (\$10,357,800) to the corrections
22 department for crime reduction grants to recruit, train and
23 retain correctional officers;

24 (9) three million five hundred fifty-eight
25 thousand seven hundred fifty dollars (\$3,558,750) to the

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1 corrections department for crime reduction grants to provide
2 transitional reentry homes for individuals recently released
3 from a correctional facility;

4 (10) three million dollars (\$3,000,000) to the
5 department of public safety for crime reduction grants to
6 recruit, train and equip law enforcement officers in areas of
7 the state with less than three hundred thousand residents
8 according to the most recent federal decennial census;

9 (11) three million eight hundred twenty-six
10 thousand dollars (\$3,826,000) to the New Mexico sentencing
11 commission for crime reduction grants to create and implement a
12 criminal justice data-sharing network, including staffing,
13 equipment and necessary programming for program evaluations;

14 (12) one million one hundred fifty thousand
15 dollars (\$1,150,000) to the behavioral health services division
16 of the human services department for crime reduction grants to
17 establish pre-arrest diversion programs;

18 (13) one million dollars (\$1,000,000) to the
19 behavioral health services division of the human services
20 department for crime reduction grants to establish residential
21 crisis triage centers and outpatient crisis stabilization
22 services;

23 (14) one million five hundred thousand dollars
24 (\$1,500,000) to the behavioral health services division of the
25 human services department for crime reduction grants to

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1 establish, recruit and retain mental health workers in areas of
2 the state with less than three hundred thousand residents
3 according to the most recent federal decennial census; and

4 (15) five hundred thousand dollars (\$500,000)
5 to the behavioral health services division of the human
6 services department for crime reduction grants to provide
7 programs in public schools in grades one through three that are
8 evidence-based, promote behavioral self-regulation and have a
9 demonstrated record of success.

10 B. Any unexpended or unencumbered balance remaining
11 at the end of a fiscal year shall not revert to the general
12 fund.

13 SECTION 13. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2019.