

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 267

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

AN ACT

RELATING TO CRIMINAL JUSTICE REFORM; REQUIRING THE NEW MEXICO
SENTENCING COMMISSION TO CREATE A DATA-SHARING NETWORK FOR
CRIMINAL JUSTICE DATA; ADDING THREE MEMBERS TO THE NEW MEXICO
SENTENCING COMMISSION; AMENDING A SECTION OF THE MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES CODE; SPECIFYING THAT
PHOTOGRAPHS, FINGERPRINTS AND PALM PRINTS ARE BIOMETRIC
IDENTIFYING INFORMATION OF AN ARRESTED PERSON; PROVIDING
REQUIREMENTS FOR THE CONTENT AND DISPOSITION OF ARREST RECORDS;
REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO SHARE DATA WITH
THE NEW MEXICO SENTENCING COMMISSION; ENACTING THE CRIME
REDUCTION GRANT ACT; CREATING CRIMINAL JUSTICE COORDINATING
COUNCILS IN EACH JUDICIAL DISTRICT; REQUIRING CERTAIN STATE
AGENCIES TO ISSUE RULES AND REPORT ANNUALLY.

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

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

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

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

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

15 (1) the attorney general;

16 (2) a district attorney appointed by the New
17 Mexico district [~~attorneys~~] attorney's association [~~of New~~
18 ~~Mexico~~] or its successor agency;

19 (3) the chief public defender;

20 (4) two district court judges, one of whom
21 shall be a children's court judge, appointed by the district
22 [~~court judge's~~] and metropolitan judges association [~~of New~~
23 ~~Mexico~~] or its successor agency;

24 (5) a magistrate judge [~~from the court of~~
25 ~~appeals~~] appointed by the chief [~~judge of the court of appeals~~]

1 justice of the supreme court;

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

4 (7) the secretary of corrections;

5 (8) the secretary of public safety;

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

8 (10) the secretary of public education;

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

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

14 [~~(12)~~] (13) two public members appointed by
15 the governor, one of whom shall be designated as chair of the
16 New Mexico sentencing commission by the governor;

17 [~~(13)~~] (14) three public members appointed by
18 the president pro tempore of the senate;

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

21 [~~(14)~~] (16) three public members appointed by
22 the speaker of the house of representatives;

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

25 [~~(15)~~] (18) two public members appointed by

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1 the chief justice of the supreme court;

2 [~~(16)~~] (19) one public member who is Native
3 American and a practicing attorney, appointed by the president
4 of the state bar association; and

5 [~~(17)~~] (20) one public member appointed by the
6 governor who is a representative of a New Mexico [~~victim~~]
7 victims' organization.

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

11 D. The New Mexico sentencing commission shall:

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

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

16 (3) prepare an annual budget;

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

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

23 (6) make recommendations to the legislature
24 concerning proposed changes to laws relating to the criminal
25 and juvenile justice systems that the commission determines

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1 would improve those systems;

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

6 (8) when developing proposed sentencing
 7 reform:

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

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

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

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

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

25 (f) determine the principal purpose for

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1 criminal sanctions;

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

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

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

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

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

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

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

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

23 (o) present proposed legislation or
24 recommendations regarding sentencing reform to the appropriate
25 legislative interim committee;

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

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

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

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

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

24 (14) create and maintain a data-sharing
 25 network to receive, store, analyze and disseminate criminal

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

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

10 (16) promulgate rules governing the data-
11 sharing network and data analysis pursuant to Paragraphs (14)
12 and (15) of this subsection. The rules shall include
13 procedures to:

14 (a) fulfill any requirements related to
15 data privacy, security and protection so that information
16 access and sharing is permitted for authorized purposes, as
17 defined by law, court order or for business practices that are
18 a necessary component of the requesting agency's duties and
19 functions and is compatible with the purpose and expectations
20 of use under which the information was collected;

21 (b) guide participating agencies to
22 ensure accuracy, completeness, currency and reliability of
23 information reported to the data-sharing network;

24 (c) allow data querying and reporting
25 tools for those authorized users who want to perform

1 statistical analysis of some of the data collected and
2 retained;

3 (d) provide safeguards to actively
4 monitor and record: 1) access and use of the network's
5 services and systems; and 2) the nature of information
6 exchanges using the network; and

7 (e) identify and recognize authorized
8 users who access the network.

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

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

15 SECTION 2. Section 29-3-8 NMSA 1978 (being Laws 1978,
16 Chapter 87, Section 1, as amended) is amended to read:

17 "29-3-8. [~~FINGERPRINT AND PALM PRINT IMPRESSIONS~~]
18 BIOMETRIC IDENTIFYING INFORMATION OF PERSONS ARRESTED--STATE
19 ARREST RECORDS--DISPOSITION.--

20 A. A [~~person arrested for~~] booking facility shall
21 electronically collect biometric identifying information from a
22 person arrested for the following crimes prior to the person's
23 release:

24 (1) the commission of a criminal offense
25 amounting to a felony [~~under the laws of this state or any~~

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1 ~~other jurisdiction shall be required by the arresting peace~~
2 ~~officer or the jail to make fingerprint and palm print~~
3 ~~impressions prior to the person's release. The arresting peace~~
4 ~~officer or the jail shall obtain fingerprint and palm print~~
5 ~~impressions and a photograph];~~

6 (2) the commission of a criminal offense not
7 amounting to a felony but punishable by imprisonment for more
8 than six months under the laws of the state or a political
9 subdivision of the state; or

10 (3) the violation of a provision of Section
11 66-8-102 NMSA 1978 or the violation of a municipal or county
12 ordinance prescribing criminal penalties for driving while
13 under the influence of intoxicating liquor or drugs.

14 B. Biometric identifying information shall be
15 obtained each time a person is arrested.

16 C. At the time [of fingerprinting and palm
17 printing] biometric identifying information is collected, the
18 booking facility shall create an arrest record with a state
19 arrest tracking number [~~shall be assigned to the fingerprint~~
20 ~~and palm print records and the booking sheet.~~

21 ~~B. A person arrested for the commission of a~~
22 ~~criminal offense not amounting to a felony but punishable by~~
23 ~~imprisonment for more than six months under the laws of this~~
24 ~~state or any political subdivision shall be required by the~~
25 ~~arresting peace officer or the jail to make fingerprint and~~

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1 ~~palm print impressions prior to the person's release. The~~
2 ~~arresting peace officer or the jail shall obtain fingerprint~~
3 ~~and palm print impressions and a photograph each time a person~~
4 ~~is arrested. At the time of fingerprinting and palm printing,~~
5 ~~a state tracking number shall be assigned to the fingerprint~~
6 ~~and palm print records and the booking sheet.~~

7 ~~G. A person arrested for violating a provision of~~
8 ~~Section 66-8-102 NMSA 1978 or committing a violation of a~~
9 ~~municipal or county ordinance prescribing criminal penalties~~
10 ~~for driving while under the influence of intoxicating liquor or~~
11 ~~drugs shall be required by the arresting peace officer or the~~
12 ~~jail to make fingerprint and palm print impressions prior to~~
13 ~~the person's release. The arresting peace officer or the jail~~
14 ~~shall obtain fingerprint and palm print impressions and a~~
15 ~~photograph each time a person is arrested. At the time of~~
16 ~~fingerprinting and palm printing, a state tracking number shall~~
17 ~~be assigned to the fingerprint and palm printing records and~~
18 ~~the booking sheet.~~

19 ~~D. Fingerprint and palm print impressions shall be~~
20 ~~made pursuant to rules adopted by the department. Fingerprint~~
21 ~~and palm print record submission policies and a state tracking~~
22 ~~number system for fingerprint and palm print records shall be~~
23 ~~implemented pursuant to rules adopted by the department. All~~
24 ~~felony, misdemeanor and DWI arrest fingerprints and palm prints~~
25 ~~shall be made in duplicate. Both copies and a photograph of~~

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1 ~~the person arrested shall be forwarded to the department within~~
2 ~~five days following the date of arrest.]~~ provided by the
3 department. The arrest record shall include:

4 (1) the date of arrest;

5 (2) the state arrest tracking number assigned
6 to the arrest record;

7 (3) the state personal identification number
8 assigned to the arrestee by the department;

9 (4) the arrestee's biometric identifying
10 information; and

11 (5) a completed description with charge code
12 of each offense charged.

13 D. The department shall promulgate rules
14 addressing:

15 (1) collection of biometric identifying
16 information;

17 (2) submission of biometric identifying
18 information;

19 (3) creation of a state personal
20 identification number system to identify a person arrested and
21 charged with a crime and ensure that the same state personal
22 identification number is assigned to the person regardless of
23 the number of times the person is arrested or the location of
24 the arrest within the state; and

25 (4) creation of a state arrest tracking number

1 system for each arrest record.

2 E. At booking, the booking facility shall
3 immediately forward the arrest record and any other information
4 required by department rule to the department.

5 F. The department shall ~~[forward one copy]~~
6 immediately provide the:

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

9 (2) state personal identification number to
10 agencies at all levels of government that are engaged in the
11 apprehension, prosecution or defense, adjudication,
12 incarceration or rehabilitation of criminal offenders; and

13 (3) arrest record to the administrative office
14 of the district attorneys for submission to the appropriate
15 prosecuting authority.

16 ~~[E.]~~ G. Biometric identifying information shall be
17 collected from an inmate who is charged with a felony or
18 misdemeanor offense while incarcerated ~~[shall be fingerprinted,~~
19 ~~palm printed and photographed]~~, and the jail or corrections
20 facility shall forward the offender's ~~[fingerprint and palm~~
21 ~~print records and photograph]~~ biometric identifying information
22 to the department.

23 ~~[F.]~~ H. The administrative office of the courts
24 shall provide to the department the disposition of all criminal
25 cases assigned a state arrest tracking number. The disposition

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1 shall be provided in electronic format, promptly upon the
2 conclusion of the case.

3 ~~[G.]~~ I. The administrative office of the district
4 attorneys shall provide to the department the disposition of
5 all criminal cases assigned a state arrest tracking number when
6 the district attorney decides not to file charges in the case.
7 The disposition shall be provided in electronic format promptly
8 upon a district attorney's decision not to file charges in the
9 case.

10 J. The department shall forward the disposition of
11 all criminal cases to the federal bureau of investigation and
12 the national crime information center within five business days
13 of receipt.

14 ~~[H.]~~ K. Law enforcement agencies, the
15 administrative office of the courts and the administrative
16 office of the district attorneys ~~[may]~~ shall allow the
17 department access to their records for the purpose of auditing
18 those records to ensure compliance with the provisions of this
19 section.

20 L. As used in this section:

21 (1) "biometric identifying information" means
22 physical characteristics used in verifying the identity of an
23 individual, including photographs, fingerprint impressions and
24 palm print impressions;

25 (2) "booking facility" means a jail, police

1 station, sheriff's office or other place of detention;

2 (3) "charge code" means the unique code
3 assigned to the crime from the master charge code table
4 distributed by the New Mexico justice information sharing
5 council;

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

8 (5) "state personal identification number"
9 means a unique number assigned to the arrestee based on the
10 arrestee's biometric identifying information."

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

13 "29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--
14 DUTIES OF DEPARTMENT.--

15 A. The department of public safety shall develop,
16 operate and maintain a uniform crime reporting system and shall
17 be the central repository for the collection, storage,
18 retrieval and analysis of crime incident and arrest reports
19 generated by all law enforcement agencies in this state. The
20 system shall be operational as of January 1, 2008.

21 B. The department shall:

22 (1) compile statistical data and forward such
23 data as required to the federal bureau of investigation or the
24 appropriate department of justice agency in accordance with
25 standards and procedures of the national system;

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

5 (3) in conjunction with the New Mexico
6 sentencing commission, annually publish a report on the nature
7 and extent of crime in New Mexico and submit the report to the
8 governor and to the legislature;

9 (4) maintain the privacy and security of
10 information in accordance with applicable state and federal
11 laws; ~~and~~

12 (5) provide the New Mexico sentencing
13 commission access to the data collected and maintained by the
14 department; and

15 ~~(5)~~ (6) establish rules as necessary to
16 implement the provisions of this section.

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

18 (1) submit crime incident reports to the
19 department of public safety on forms or in the format
20 prescribed by the department;

21 (2) submit any other crime incident
22 information as may be required by the department of public
23 safety; and

24 (3) use the ~~[state uniform statutory charge~~
25 ~~codes]~~ unique code assigned to the crime from the master charge

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1 code table distributed by the New Mexico justice information
 2 sharing council for the automated fingerprint identification
 3 system and use uniform crime incident reporting as provided by
 4 the department for all incidents and arrests.

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

9 SECTION 4. Section 43-1-19 NMSA 1978 (being Laws 1977,
 10 Chapter 279, Section 18, as amended) is amended to read:

11 "43-1-19. DISCLOSURE OF INFORMATION.--

12 A. Except as otherwise provided in the code, no
 13 person shall, without the authorization of the client, disclose
 14 or transmit any confidential information from which a person
 15 well acquainted with the client might recognize the client as
 16 the described person, or any code, number or other means that
 17 can be used to match the client with confidential information
 18 regarding the client.

19 B. Authorization from the client shall not be
 20 required for the disclosure or transmission of confidential
 21 information in the following circumstances:

22 (1) when the request is from a mental health
 23 or developmental [~~disability~~] disabilities professional or from
 24 an employee or trainee working with a person with a mental
 25 disability or developmental disability, to the extent that the

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1 practice, employment or training on behalf of the client
2 requires access to such information is necessary;

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

7 (3) when the disclosure is made pursuant to
8 the provisions of the Assisted Outpatient Treatment Act, using
9 reasonable efforts to limit protected health information to
10 that which is minimally necessary to accomplish the intended
11 purpose of the use, disclosure or request;

12 (4) when the disclosure of such information is
13 to the primary caregiver of the client and the disclosure is
14 only of information necessary for the continuity of the
15 client's treatment in the judgment of the treating physician or
16 certified psychologist who discloses the information; [øø]

17 (5) when such disclosure is to an insurer
18 contractually obligated to pay part or all of the expenses
19 relating to the treatment of the client at the residential
20 facility. The information disclosed shall be limited to data
21 identifying the client, facility and treating or supervising
22 physician and the dates and duration of the residential
23 treatment. It shall not be a defense to an insurer's
24 obligation to pay that the information relating to the
25 residential treatment of the client, apart from information

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1 disclosed pursuant to this section, has not been disclosed to
2 the insurer;

3 (6) when the request is from a physician, a
4 licensed psychologist or a qualified mental health professional
5 licensed for independent practice and responsible for the
6 continuity of care of inmates with a mental or developmental
7 disability who are in a jail or corrections facility, and the
8 disclosure is only of information necessary for the continuity
9 of the client's treatment in the judgment of an equally
10 qualified treating professional who discloses the information;

11 (7) when such disclosure is by a physician, a
12 licensed psychologist or a qualified mental health professional
13 licensed for independent practice and responsible for the
14 treatment of inmates in a jail or corrections facility to
15 another equally qualified treating professional responsible for
16 the continuation of care of the inmate upon the inmate's
17 release from a jail or corrections facility, and the disclosure
18 is only of information necessary for the continuity of the
19 client's treatment in the judgment of the treating professional
20 who discloses the information; or

21 (8) when the disclosure is made to a
22 governmental agency, its agent or a state educational
23 institution, a duly organized state or county association of
24 licensed physicians or dentists, a licensed health facility or
25 staff committees of such a facility for the purpose of

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1 research, subject to the provisions of Section 14-6-1 NMSA 1978
2 and subject to the review of an institutional review board in
3 compliance with the federal Health Insurance Portability and
4 Accountability Act of 1996 or any succeeding legislation.

5 C. No authorization given for the transmission or
6 disclosure of confidential information shall be effective
7 unless it:

- 8 (1) is in writing and signed; and
9 (2) contains a statement of the client's right
10 to examine and copy the information to be disclosed, the name
11 or title of the proposed recipient of the information and a
12 description of the use that may be made of the information.

13 D. The client has a right of access to confidential
14 information and has the right to make copies of any information
15 and to submit clarifying or correcting statements and other
16 documentation of reasonable length for inclusion with the
17 confidential information. The statements and other
18 documentation shall be kept with the relevant confidential
19 information, shall accompany it in the event of disclosure and
20 shall be governed by the provisions of this section to the
21 extent they contain confidential information. Nothing in this
22 subsection shall prohibit the denial of access to such records
23 when a physician or other mental health or developmental
24 disabilities professional believes and notes in the client's
25 medical records that such disclosure would not be in the best

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1 interests of the client. In any such case, the client has the
2 right to petition the court for an order granting such access.

3 E. Where there exists evidence that the client
4 whose consent to disclosure of confidential information is
5 sought is incapable of giving or withholding valid consent and
6 the client does not have a guardian or treatment guardian
7 appointed by a court, the person seeking such authorization
8 shall petition the court for the appointment of a treatment
9 guardian to make a substitute decision for the client, except
10 that if the client is less than fourteen years of age, the
11 client's parent or guardian is authorized to consent to
12 disclosure on behalf of the client.

13 F. Information concerning a client disclosed under
14 this section shall not be released to any other person, agency
15 or governmental entity or placed in files or computerized data
16 banks accessible to any persons not otherwise authorized to
17 obtain information under this section.

18 G. Nothing in the code shall limit the
19 confidentiality rights afforded by federal statute or
20 regulation.

21 H. A person appointed as a treatment guardian in
22 accordance with the Mental Health and Developmental
23 Disabilities Code may act as the client's personal
24 representative pursuant to the federal Health Insurance
25 Portability and Accountability Act of 1996, Sections

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1 1171-1179 of the Social Security Act, 42 U.S.C. Section 1320d,
2 as amended, and applicable federal regulations to obtain access
3 to the client's protected health information, including mental
4 health information and relevant physical health information,
5 and may communicate with the client's health care providers in
6 furtherance of such treatment."

7 SECTION 5. [NEW MATERIAL] SHORT TITLE.--Sections 5
8 through 10 of this act may be cited as the "Crime Reduction
9 Grant Act".

10 SECTION 6. [NEW MATERIAL] DEFINITIONS.--As used in the
11 Crime Reduction Grant Act:

12 A. "commission" means the New Mexico sentencing
13 commission; and

14 B. "grant administration agency" means a state
15 agency that receives appropriations for grants to criminal
16 justice coordinating council members for the purposes specified
17 in the Crime Reduction Grant Act.

18 SECTION 7. [NEW MATERIAL] CRIMINAL JUSTICE COORDINATING
19 COUNCILS CREATED--COMPOSITION--DUTIES.--

20 A. A criminal justice coordinating council is
21 created for each judicial district and may include
22 representation from within the district for:

- 23 (1) each court in the district;
24 (2) the district attorney;
25 (3) the district public defender office;

- 1 (4) law enforcement agencies;
2 (5) jails;
3 (6) correctional facilities;
4 (7) behavioral health programs; or
5 (8) other agencies and entities agreed upon by
6 the council.

7 B. Each criminal justice coordinating council shall
8 be convened by the chief judge of the district court in the
9 judicial district.

10 C. Each criminal justice coordinating council shall
11 select a chair at its first meeting. The first meeting of each
12 council shall take place by August 1, 2019, and the council
13 shall subsequently meet at the call of the chair, but not less
14 than ten months per year.

15 D. Each criminal justice coordinating council shall
16 organize itself and adopt rules in a manner appropriate to
17 accomplish its duties pursuant to the Crime Reduction Grant
18 Act.

19 E. A criminal justice coordinating council shall,
20 to the extent possible, develop a strategic plan to meet the
21 requirements of this section and shall:

- 22 (1) review the criminal justice system in the
23 judicial district, including judicial processes, law
24 enforcement, community corrections alternatives and sufficiency
25 of jail and detention facilities;

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

3 (3) develop data-driven policies and evidence-
4 based best practices designed to improve public safety
5 outcomes, cost-effective responses to crime and fair and
6 efficient adjudication processes;

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

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

12 (6) in consultation with the commission,
13 develop data-sharing agreements and methods of data sharing to
14 allow system-wide analysis of criminal justice operations
15 within the judicial district and throughout the state.

16 F. Executive agencies and the administrative office
17 of the courts shall provide prompt responses to criminal
18 justice coordinating council requests for information.

19 SECTION 8. [NEW MATERIAL] APPLICATIONS FOR GRANTS--
20 PURPOSES--CONDITIONS.--

21 A. A member of a criminal justice coordinating
22 council with the consent of the council may apply to a grant
23 administration agency for a grant to accomplish any of the
24 enumerated purposes provided in Subsection B of this section.

25 B. Crime reduction grants may be made to:

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

3 (2) reduce barriers to participation by
4 criminal offenders in preprosecution diversion or specialty
5 court programs;

6 (3) develop or improve pretrial service
7 programs; and

8 (4) purchase equipment or provide training to
9 support any of the purposes provided in this section.

10 C. Crime reduction grants shall be conditioned on
11 the criminal justice coordinating council and the recipient
12 member complying with the following:

13 (1) using not more than five percent of a
14 grant for administrative costs of the recipient;

15 (2) in consultation with the commission,
16 developing data-sharing agreements and methods of data sharing
17 among criminal justice agencies and with the commission to
18 allow system-wide analysis of criminal justice operations
19 within the judicial district and statewide;

20 (3) using or developing evidence-based best
21 practices for any programs operated with crime reduction
22 grants;

23 (4) developing performance measures in
24 consultation with the commission and the grant administration
25 agency relevant to the grantee's application;

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1 (5) collecting data to evaluate the
2 effectiveness of programs operated with crime reduction grants;

3 (6) evaluating quarterly the process, outputs,
4 outcomes and other performance measures of programs funded with
5 grants for compliance with all provisions of the Crime
6 Reduction Grant Act;

7 (7) providing a quarterly report to the
8 commission for review and comparison with other programs
9 receiving grants for similar purposes; and

10 (8) providing an annual report to the grant
11 administration agency by October 1 of each year regarding
12 program outcomes from use of the grant.

13 D. The commission shall assist with the
14 implementation of data-sharing agreements to ensure compliance
15 with crime reduction grants.

16 E. Each grant administration agency shall identify
17 and require the use or development of evidence-based best
18 practices for programs operated with crime reduction grants
19 distributed by that grant administration agency.

20 F. A grant administration agency may consider any
21 outcome reported to it by a grant recipient from a previous
22 year in making a determination of whether to make subsequent
23 grants or the amount of a subsequent grant.

24 SECTION 9. [NEW MATERIAL] RULES.--The New Mexico
25 sentencing commission, in consultation with each grant

.214133.1

1 administration agency, shall promulgate uniform procedural
 2 rules necessary to administer the provisions of the Crime
 3 Reduction Grant Act. Each grant administration agency shall
 4 adopt the uniform procedures along with other grant award
 5 criteria unique to the grant administration agency.

6 SECTION 10. [NEW MATERIAL] REPORTS.--

7 A. Each grant administration agency shall report to
 8 the commission annually by November 1 of each year regarding
 9 the:

10 (1) applications for grants made during the
 11 previous fiscal year by each criminal justice coordinating
 12 council;

13 (2) purpose and amount of each grant approved
 14 by the grant administration agency for each member for the
 15 previous fiscal year; and

16 (3) processes, outputs and outcomes resulting
 17 from the use of the grant.

18 B. The commission shall report to the legislature
 19 annually by December 1 of each year regarding the data-sharing
 20 network, including data derived from crime reduction grant
 21 data-sharing agreements.

22 SECTION 11. EFFECTIVE DATE.--The effective date of the
 23 provisions of this act is July 1, 2019.