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## FISCAL IMPACT REPORT

SPONSOR Sedillo Lopez ORIGINAL DATE 2/14/2020  
LAST UPDATED 2/15/2020 HB \_\_\_\_\_

SHORT TITLE Criminal Justice Race & Ethnicity Data SM 47

ANALYST Rabin

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	See Fiscal Implications					

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (NMAG)

New Mexico Sentencing Commission (NMSC)

New Mexico Corrections Department (NMCD)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

Senate Memorial 47 requests the Sentencing Commission (NMSC) convene a task force focused on the collection of race and ethnicity data in the state's criminal justice systems to review existing data collection policies by the state's criminal justice entities; determine what data collection policies for race and ethnicity information would best serve the needs of the state and its people; and draft legislation for introduction in the 2021 legislative session to mandate the collection of race and ethnicity data in New Mexico.

The task force shall be composed of the members of the New Mexico sentencing commission's reform committee, a representative of a civil liberties organization, a representative of an organization that advocates for the rights of minority populations, a representative of a municipal or county law enforcement entity, and a scholar from the interdisciplinary working group on algorithmic justice who specializes in race and ethnicity.

The task force is to report to the interim committee dealing with courts, corrections, and justice issues by December 1, 2020.

## **FISCAL IMPLICATIONS**

NMSC states that the duties outlined in this memorial can be completed within existing resources.

The Corrections Department (NMCD) does not anticipate this memorial will have any significant fiscal impact.

The Administrative Office of the Courts (AOC) notes that, although the judiciary is not a participant in this task force, any requirements in the proposed legislation that comes out of this task force will most likely involve data collection by courts, which will require additional time and resources.

## **SIGNIFICANT ISSUES**

NMSC notes that in the Urban Institute study, “The Alarming Lack of Data on Latinos in the Criminal Justice System”, mentioned in the memorial, only 40 states reported race data, and only 15 reported ethnicity data; New Mexico, along with other states with large Latino populations, did a particularly poor job of reporting ethnicity data. According to NMSC, the present systems for collecting race and ethnicity data across the criminal justice system in New Mexico are inconsistent and not standardized, where they exist at all. For entities that do collect race and ethnicity data, like NMCD, it is unclear whether the data is self-reported by the offender or if a corrections officer inputs the data based on the officer’s belief of what racial or ethnic group the offender represents. NMSC adds that collection of this data in a consistent manner across the state’s criminal justice systems is important so there is an accurate understanding of how the criminal justice system effects different racial and ethnic populations in the state, especially with an eye to seeing whether there is disparate criminal justice contact or impact on different racial or ethnic groups in the state.

AOC notes that New Mexico does not have consistent laws or policies that require collection of race and ethnicity data about people who contact the criminal justice system. According to AOC, having consistent data about the race and ethnicity of people involved in the criminal justice system will help identify and address racial and ethnic disparities in New Mexico’s criminal justice system. AOC reports the data that is available about New Mexico suggests that disparities do exist.

Additionally, AOC notes that creating mechanisms in legal entities to collect race and ethnicity data also has the potential to help identify disparities and legal need with regard to civil legal issues as well. This would support the New Mexico Commission on Access to Justice’s work and implementation of their Justice for All Strategic Plan, which identifies race and ethnicity data collection as a need with regard to civil cases as well.

## **OTHER SUBSTANTIVE ISSUES**

The Department of Public Safety notes that its Law Enforcement Records Bureau, which is the central repository of all criminal history data, would be useful to have participate in the task force.

NMSC states that the mandate of this task force falls squarely within its statutory mission of

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advising the executive, judicial, and legislative branches of government on policy matters relating to criminal and juvenile justice and making recommendations to the Legislature concerning proposed changes to laws relating to the criminal and juvenile justice systems that the commission determines would improve those systems.

NMCD notes that it is represented on NMSC's reform subcommittee, and therefore on the task force requested by SM47. NMCD states that it is willing to participate and provide all data requested and required to accomplish the goals of the task force.

ER/rl/sb