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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/22

SPONSOR Chasey LAST UPDATED 2/9/22 HB 96/a HAFC

SHORT TITLE Violence Intervention Program Act SB \_\_\_\_\_

ANALYST Tolman

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

	FY22	FY23	FY24	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)  
 Administrative Office of the District Attorneys (AODA)  
 Attorney General’s Office (NMAG)  
 Sentencing Commission (NMSC)  
 Indian Affairs Department (IAD)  
 Department of Health (DOH)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HAFC Amendment

The House Appropriations and Finance Committee (HAFC) amendment to House Bill 96 strikes the \$10 million appropriation from the bill.

#### Synopsis of Original Bill

House Bill 96 creates the Violence Intervention Program Act. The Department of Health (DOH) will administer the act and award violence intervention program grants to eligible state agencies, counties, municipalities, or tribal governments. Grants are directed to entities that DOH finds are disproportionately impacted by violent crimes, including homicides, shootings, and aggravated assaults.

DOH is limited to spending no more than 3 percent of the balance of the fund each fiscal year on administration of the act, must award grants to at least two counties, municipalities, or tribal

governments with a population of 50 thousand or less, and must award at least 20 percent of the appropriation to counties or municipalities with a population of 540 thousand or greater. Grantees must use at least 50 percent of their grants to enter into contracts with community-based service providers for services that accomplish the purposes of the act. The act further establishes requirements for grant applications, conditions of the grants, and grantee reporting.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

## **FISCAL IMPLICATIONS**

The GAA appropriates \$1.7 million recurring and \$9 million nonrecurring general fund to DOH to establish a statewide grant program for violence intervention programs. It also appropriates \$300 thousand general fund to DOH for an Office of Gun Violence Prevention. Although the GAA does not specify future appropriations, establishing a new grant program could create an expectation that the program will continue in future fiscal years, therefore this cost is scored as recurring.

NMSC states that the act's mandate that the commission provide grant applicants with relevant data is potentially broad and unspecific. NMSC is presently operating at near capacity and the mandates of the bill would put additional strain on NMSC staff, and budgetary support for additional NMSC staff could help it better fulfill its responsibilities under the act.

## **SIGNIFICANT ISSUES**

***Violence in New Mexico.*** While New Mexico exceeds national rates of both violent and property crime, the state's extreme divergence from national violent crime trends in recent years is particularly concerning. Since 1992, the state's violent crime rate has remained at least 19 percent above the national average, and for the past three years, it has been more than twice the national rate. Although 2019 and 2020 saw small dips in the state's violent crime rate, these were minor improvements after years of large increases, and preliminary data for 2020 suggest it might be short-lived. Poverty, drug use, and sustained unemployment are root causes of criminal behavior, and New Mexico's struggles in these areas are likely responsible for these troubling trends.

In 2020, New Mexico had the highest overall crime rate of any state in the country and ranked second for its violent and property crime rates behind Alaska and Louisiana, respectively. After three years of increases, New Mexico's overall crime rate began dropping over the past three years, and violent crime dropped in both 2019 and 2020; however, the state's crime rates remain well above national averages. Homicide rates have increased in New Mexico every year since 2014, diverging from national trends. Albuquerque drives these high rates, and reached record highs in 2021.

New Mexico's high violent crimes rate are driven by high rates of aggravated assaults. Aggravated assaults are the most common type of violent crime, comprising 70.2 percent of violent crimes nationwide in 2020 and 79.1 percent of violent crimes in New Mexico. Although Alaska has the highest violent crime rate in the country, New Mexico's rate of aggravated assaults is 6 percent higher than Alaska's; Tennessee, the third most violent state, has an aggravated assault rate 11.8 percent lower than New Mexico's. Since 2014, the aggravated

assault rate has risen 22 percent nationally; in New Mexico, it grew 47.5 percent.

DOH reports that firearm death and injury is a growing problem in New Mexico. The 2020 New Mexico firearm death rate was 43 percent higher than it was in 1999, according to CDC's Wide-ranging Online Data for Epidemiologic Research (CDC WONDER, <https://wonder.cdc.gov/>). The firearm age-adjusted death rate in New Mexico was 67 percent higher than the US in 2020 (22.7 deaths per 100,000 residents vs. 13.6 deaths per 100,000 residents, respectively).

DOH notes that New Mexico had the 11th highest age-adjusted homicide rate in the nation during 2020 according to CDC WONDER (<https://wonder.cdc.gov/ucd-icd10.html>). Of the 276 firearm-related homicides reported to the New Mexico Violent Death Reporting System (NMVDRS, <https://wisqars.cdc.gov/nvdrs/>) from 2018-2019, 42 (16 percent) involved drugs and 12 (5 percent) were directly gang-related.

DOH reports that in 2020, New Mexico had the highest age-adjusted violent death rate in the United States at 35.5 deaths per 100,000 residents according to CDC WONDER (<https://wonder.cdc.gov/>). New Mexico had the 13th highest homicide rate in the nation during 2020 according to the same data source. Four hundred sixty-six (62 percent) of the 748 violence-related deaths in New Mexico during 2020 involved firearms.

DOH notes that according to the FBI Uniform Crime Reporting database (<https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-4>), New Mexico had a total of 13,640 aggravated assaults in 2019, which include attempted homicide for a rate of 650.5 per 100,000 persons. This was an increase from the 2018 rate (646.8 per 100,000). The rate of aggravated assault in the United States was 250.2 in 2019 making New Mexico's aggravated assault rate more than 2.5 times higher than the US rate.

DOH also notes that a study by Iowa State University (<http://homicidecenter.org/one-murder-costs-17-25-million/>) reveals that besides the obvious loss of human life, murder costs society an estimated \$17.2 million per murder. This amount includes victim's cost, criminal justice system costs, and lost productivity estimates for both decedent and perpetrator.

***Demographic Disparities and Impacts.*** DOH notes that in New Mexico, the firearm homicide rate among males was more than five times higher than the firearm homicide rate among females during 2020 (12.7 deaths per 100,000 residents versus 2.3 deaths per 100,000 residents, respectively). The age-adjusted homicide firearm death rate in New Mexico was significantly higher among African Americans at 23.7 deaths per 100,000 residents and Hispanics of all races at 9.5 deaths per 100,000 residents than non-Hispanic whites (4.3 deaths per 100,000 residents) from 2018-2020.

The Indian Affairs Department (IAD) states that the [New Mexico Missing and Murdered Indigenous Women and Relatives Task Force](#) report (2020) highlights the crisis among Native Americans, noting that "Native American women in New Mexico have the highest rate of homicide among all racial and ethnic groups." Synthesizing data from DOH, the report found that between 2013 and 2017, Native Americans had significantly higher homicide rates compared to Hispanics and Whites, and Native Americans between the ages 25 and 34 were victims of homicide at a rate of 26.6 per 100 thousand residents, compared with 15.9 per 100 thousand residents among their Hispanic counterparts and 10.2 per 100 thousand residents among their white counterparts. To combat this violence and its impact on the Native American

population in the state, the New Mexico Missing and Murdered Indigenous Women and Relatives Task Force’s report recommends the state address the extreme underfunding of tribal justice systems and to collaborate with local community organizations that are on the frontlines of the critical work. The goals and objectives of HB96 are consistent with many of the recommendations identified in the report.

### **ADMINISTRATIVE IMPLICATIONS**

DOH indicates that additional staff would have to be hired to administer the violence intervention program fund.

DOH also notes that a system would need to be established to prioritize and fund applications pursuant to this act.

### **CONFLICT, RELATIONSHIP**

Relates to House Bill 84, which expands the allowable uses of crime reduction grants.

Conflicts with Senate Bill 34, which would make threat of shooting a fourth-degree felony.

### **TECHNICAL ISSUES**

The Attorney General’s Office (NMAG) notes that in some places the bill refers to “gun violence and aggravated assaults” (Section 2(D), Section 4(A)) and in other places it refers to “violent crimes” (Section 3, Section 5(A)) and Section 6(A)) refers to “violence reduction.” The Legislature may wish to use the same wording throughout so there is no question as to whether the fund is meant to reduce gun violence and aggravated assaults specifically or violent crime generally.

NMAG notes that Section 4 lays out the requirements for a Violence Intervention Program but “Violence Intervention Program” is not a defined term in the act.

### **OTHER SUBSTANTIVE ISSUES**

NMAG notes that by requiring at least 20 percent of the violence intervention program fund be awarded to a county or municipality with a population of 540 thousand or greater according to the most recent federal decennial census, it is requiring that at least 20 percent of the fund be awarded to Bernalillo County or the City of Albuquerque.

RT/acv