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FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/2022

SPONSOR Matthews LAST UPDATED _____ HB 114

SHORT TITLE Bernalillo Criminal Justice Data-Sharing SB _____

ANALYST Carswell

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
	\$400.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of District Attorneys (AODA)
 Attorney General’s Office (NMAG)
 New Mexico Sentencing Commission (NMSC)
 Department of Public Safety (DPS)
 Department of Finance and Administration (DFA)
 Department of Corrections (NMCD)

SUMMARY

Synopsis of Bill

House Bill 114 would make a one-time appropriation of \$400 thousand from the general fund to the local government division of the Department of Finance and Administration to support the development of a legal framework for data sharing agreements among criminal justice agencies in Bernalillo County. The bill specifies that the funds are to be expended in FY23 in consultation with the city of Albuquerque and the Bernalillo County Criminal Justice Coordinating Council. Any unexpended or unencumbered balance of the funds at the end of FY23 would revert to the general fund.

FISCAL IMPLICATIONS

The appropriation of \$400 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY23 shall revert to the general fund.

Existing projects and recurring appropriations are dedicated to data sharing and integration among criminal justice agencies. It appears from the language of HB114 that the \$400 thousand appropriation would supplement these efforts by supporting a legal framework to enable data sharing among agencies in Bernalillo County, but it is not entirely clear if it is intended to support a separate or supplementary effort to those already underway.

Since FY21, the Sentencing Commission (NMSC) has received a recurring appropriation of \$510 thousand to support criminal justice data governance, and the commission has been actively working on statewide data integration efforts. The General Appropriation Act (GAA) includes an additional \$50 thousand recurring appropriation to the commission to continue this work. The Administrative Office of the Court's DataXchange platform is an integral part of this work, and the GAA also includes \$350 thousand in recurring funds to support continued licensing and maintenance related to this platform.

SIGNIFICANT ISSUES

In the criminal justice system, data collection occurs in silos across New Mexico law enforcement agencies, detention facilities, probation and parole agencies, courts, diversion programs, health departments, emergency responders, and others. Connecting the data so criminal justice partners can access information relevant to their respective programs would increase efficiency, reduce redundancy, minimize data errors, and allow for the evaluation and performance management of programs. LFC's 2018 evaluation of crime in Bernalillo County recommended the Legislature consider legislation to assist agencies in connecting datasets and databases, and Chapter 192 enacted some of these recommendations, including establishing the crime reduction grant program to support evidence-based treatment and supervision alternatives to incarceration, pre-prosecution diversion programs, specialty court programs, and pretrial services.

The New Mexico DataXchange data sharing platform is currently under ongoing development by AOC. The platform allows data to flow in near-real-time, according to the agency, provides other government entities access to the data without allowing direct access to case management systems, and offers customizable formatting for data downloads. There are over 161 datasets shared internally or privately on the platform, according to AOC.

NMSC has a statutory responsibility to coordinate data sharing and integration across the criminal justice system. The commission notes that Bernalillo County, as the largest jurisdiction in the state, plays a critical role in that effort, and the commission supports the provision of additional resources to facilitate Bernalillo County's participation in the statewide effort. The commission further notes a wider purpose for the funds than the development of a legal framework could be considered.

SIGNIFICANT ISSUES

The Department of Finance and Administration (DFA) expressed concern that its local government division would be responsible for development the legal framework for data sharing, conducting a request for proposals, and contracting with an entity to develop the framework. DFA notes its local government division does not have expertise in criminal justice data sharing. However, it is not clear if the intent of the bill is for DFA to develop the legal framework or to facilitate the funding for Bernalillo County.

CC/acv