

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 357

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO CRIMINAL JUSTICE; CREATING THE LAW ENFORCEMENT
WORKFORCE CAPACITY BUILDING FUND; CREATING THE PUBLIC ATTORNEY
WORKFORCE CAPACITY BUILDING FUND; CREATING THE DETENTION AND
CORRECTIONS WORKFORCE CAPACITY BUILDING FUND; PROVIDING FUNDING
FOR THE RECRUITMENT AND RETENTION OF LAW ENFORCEMENT OFFICERS,
DETENTION OFFICERS, PUBLIC DEFENDERS AND PROSECUTORS.

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

SECTION 1. A new Section 9-6-17 NMSA 1978 is enacted to
read:

"9-6-17. [NEW MATERIAL] LAW ENFORCEMENT WORKFORCE
CAPACITY BUILDING FUND--LAW ENFORCEMENT WORKFORCE CAPACITY
BUILDING FUND COMMITTEE--ADMINISTRATION--DISTRIBUTION OF
FUNDS--GRANT CRITERIA.--

A. The "law enforcement workforce capacity building
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1 fund" is created in the state treasury to support efforts to
2 increase the available workforce of law enforcement officers,
3 including initiatives to recruit and retain high-quality law
4 enforcement officers. The fund consists of appropriations,
5 gifts, grants and donations. Money in the fund is subject to
6 appropriation by the legislature. Any unexpended or
7 unencumbered balance remaining in the fund at the end of a
8 fiscal year shall revert to the general fund unless an
9 appropriation provides a different period for expenditure.

10 B. The department of finance and administration
11 shall administer the fund to:

12 (1) provide grant disbursements pursuant to
13 Subsection J of this section; and

14 (2) fund administrative costs necessary to
15 carry out the provisions of this section, including such
16 administrative costs that are necessary to evaluate the
17 efficacy of initiatives implemented by grantees to increase the
18 available workforce of law enforcement officers and such
19 administrative costs that are determined, in consultation with
20 the committee, to be necessary to conduct workload studies, the
21 results of which shall be used by the committee to improve the
22 structure and criteria of the provisions of this section and to
23 develop recommendations from the committee for policy or
24 program measures to be considered by the legislature; provided
25 that the amount expended for administrative costs shall not

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1 exceed three percent of the total appropriations to the fund.

2 C. Disbursements from the fund shall be made on
3 warrants drawn by the secretary of finance and administration
4 pursuant to vouchers signed by the chair of the committee.

5 D. The "law enforcement workforce capacity building
6 fund committee" is created and is administratively attached to
7 the department of finance and administration. The committee
8 consists of the following four voting members:

9 (1) one member who is employed by the
10 department of public safety, to be appointed by the secretary
11 of public safety;

12 (2) one member who is employed by a municipal
13 police department in the state, to be appointed by the New
14 Mexico municipal league;

15 (3) one member who is employed by a county
16 sheriff's office in the state, to be appointed by the New
17 Mexico association of counties; and

18 (4) one member who is employed by the
19 department of finance and administration, to be appointed by
20 the secretary of finance and administration.

21 E. The committee shall elect a chair from among its
22 membership.

23 F. The committee shall:

24 (1) conduct meetings once per year or more
25 often as necessary to carry out its duties at the times and

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1 locations that the committee designates;

2 (2) develop criteria for the awarding of
3 grants as provided in Subsection N of this section;

4 (3) periodically review the award criteria and
5 recommend any amendments to the criteria based on the results
6 of any workload studies or evaluations of grantee initiatives;

7 (4) award grants to law enforcement agencies
8 as provided in Subsections J through M of this section;

9 (5) collect information about initiative
10 expenditures from grantees as provided in Subsection Q of this
11 section;

12 (6) report applicant and grantee information
13 as provided in Subsection R of this section; and

14 (7) disseminate information regarding the
15 program and application process to all eligible entities.

16 G. A majority of the members of the committee
17 constitutes a quorum for the transaction of business.

18 H. A member of the committee shall not review or
19 vote on a proposal made by an applicant with whom the member is
20 employed. An employee of the department of public safety who
21 is not employed by the New Mexico state police division of that
22 department is not considered an employee of the New Mexico
23 state police division of that department for purposes of this
24 subsection.

25 I. Administrative and other necessary support shall

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1 be provided to the committee by the department of finance and
2 administration.

3 J. The committee may allocate:

4 (1) up to twenty-five percent of the money in
5 the fund, less administrative costs as provided in Paragraph
6 (2) of Subsection B of this section, for grants awarded to
7 entities whose primary jurisdiction is within a county with a
8 population of at least five hundred thousand according to the
9 most recent federal decennial census;

10 (2) up to thirty-five percent of the money in
11 the fund, less administrative costs as provided in Paragraph
12 (2) of Subsection B of this section, for grants awarded to
13 entities whose primary jurisdiction is within a county with a
14 population of at least one hundred thousand but less than five
15 hundred thousand according to the most recent federal decennial
16 census; and

17 (3) any amount of available money remaining in
18 the fund for grants awarded to entities whose primary
19 jurisdiction is within a county with a population of less than
20 one hundred thousand according to the most recent federal
21 decennial census.

22 K. For purposes of Subsection J of this section, if
23 applicants whose primary jurisdictions are within different
24 counties apply jointly for a grant, the applicants, if awarded
25 a grant, would each receive an award amount based on that

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1 individual applicant's county.

2 L. Any local law enforcement agency is eligible to
3 apply for a grant; provided that the agency is in compliance
4 with applicable statutory reporting requirements, including
5 those described in Subsection C of Section 29-3-11 NMSA 1978
6 and Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978.

7 M. The New Mexico state police division of the
8 department of public safety and all of its offices are eligible
9 to apply for a grant; provided that:

10 (1) the application for a grant proposes to
11 undertake initiatives in collaboration with a local law
12 enforcement agency;

13 (2) the New Mexico state police division of
14 the department of public safety is in compliance with
15 applicable statutory reporting requirements, including those
16 described in Subsection C of Section 29-3-11 NMSA 1978 and
17 Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978; and

18 (3) for purposes of Subsection J of this
19 section, the primary jurisdiction of the New Mexico state
20 police division of the department of public safety shall be
21 based on the primary jurisdiction of the local law enforcement
22 agency with which the division or the division's office has
23 proposed to collaborate.

24 N. The committee shall develop grant criteria to
25 guide its determination for the awarding of a grant, and the

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1 criteria shall:

2 (1) take into consideration an applicant's law
 3 enforcement officer vacancy rate;

4 (2) take into consideration cost of living and
 5 comparable market compensation for an applicant's locality;

6 (3) take into consideration crime rates in an
 7 applicant's locality;

8 (4) prioritize, in its consideration, an
 9 applicant's proposal for initiatives that target the
 10 recruitment of candidates who are experienced law enforcement
 11 officers not currently employed by a law enforcement agency
 12 within the state;

13 (5) prioritize, in its consideration, an
 14 applicant's proposal for initiatives to be undertaken in
 15 collaboration between local law enforcement agencies with
 16 overlapping jurisdiction;

17 (6) prioritize, in its consideration, law
 18 enforcement agency applicants that use or intend to use
 19 community-oriented policing or other evidence-based forms of
 20 policing; and

21 (7) prioritize, in its consideration,
 22 initiatives intended to increase agency investigative capacity,
 23 including initiatives to recruit or retain investigative
 24 personnel and initiatives to train existing personnel to serve
 25 as investigators.

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1 O. A grantee may use a grant award to:

2 (1) provide a recruitment differential
3 disbursement to newly hired law enforcement officers, including
4 a recruitment differential disbursement for relocation
5 expenses; provided that the law enforcement officer remains
6 employed as a law enforcement officer with that same law
7 enforcement agency for one additional year;

8 (2) provide a retention differential
9 disbursement to law enforcement officers already employed by
10 the applicant for the purpose of retention; provided that the
11 law enforcement officer remains employed as a law enforcement
12 officer with that same law enforcement agency for one
13 additional year;

14 (3) implement professional development
15 initiatives designed to recruit, train and retain law
16 enforcement officers, including training in community-oriented
17 policing or other evidence-based forms of policing; and

18 (4) implement campaigns to recruit in-state
19 and out-of-state candidates.

20 P. A grantee shall not use a grant:

21 (1) for recurring initiatives, except the
22 grantee may use a grant for a recurring initiative if the
23 grantee has provided a plan to replace nonrecurring funds with
24 recurring funds to fund that initiative; or

25 (2) to create new law enforcement officer

1 positions or fund the base salary of existing law enforcement
2 officer positions.

3 Q. A grantee shall provide to the committee within
4 ninety days of receiving a grant, and then every ninety days
5 thereafter until the earliest of either the completion of the
6 grantee's initiative or all funds are expended, a report of the
7 grantee's expenditures for the grantee's initiative. Any
8 unexpended money remaining after the completion of the
9 grantee's initiative shall revert to the fund within sixty days
10 of completion of the initiative.

11 R. The committee shall provide at least one annual
12 report by November 1 of each fiscal year to the department of
13 finance and administration and the legislative finance
14 committee that contains:

15 (1) applicant information, including
16 information about the applicant agency, the grant amount
17 requested and the title and description of the applicant's
18 proposed initiative;

19 (2) individual grantee information, including
20 information about the grantee's agency, the grant amount
21 awarded and the title and description of the grantee's
22 initiative;

23 (3) data collected and evaluations made by the
24 department of finance and administration about the efficacy of
25 the initiatives of prior award recipients; and

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1 (4) the status of any ongoing workload studies
2 and the results of any workload studies completed since the
3 time of the prior report.

4 S. As used in this section:

5 (1) "committee" means the law enforcement
6 workforce capacity building fund committee;

7 (2) "fund" means the law enforcement workforce
8 capacity building fund;

9 (3) "law enforcement agency" means a municipal
10 police department, a county sheriff's office or the New Mexico
11 state police division of the department of public safety;

12 (4) "law enforcement officer" means a
13 certified full- or part-time salaried public employee of a
14 municipal police department, a county sheriff's office or the
15 New Mexico state police division of the department of public
16 safety; and

17 (5) "local law enforcement agency" means a
18 municipal police department or county sheriff's office."

19 SECTION 2. A new Section 9-6-18 NMSA 1978 is enacted to
20 read:

21 "9-6-18. [NEW MATERIAL] PUBLIC ATTORNEY WORKFORCE
22 CAPACITY BUILDING FUND CREATED--PUBLIC ATTORNEY WORKFORCE
23 CAPACITY BUILDING FUND COMMITTEE--ADMINISTRATION--GRANT
24 CRITERIA.--

25 A. The "public attorney workforce capacity building

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1 fund" is created in the state treasury to support efforts to
2 increase the available workforce of public defenders and
3 prosecutors, including initiatives to recruit and retain public
4 defenders and prosecutors. The fund consists of
5 appropriations, gifts, grants and donations. Money in the fund
6 is subject to appropriation by the legislature. Any unexpended
7 or unencumbered balance remaining in the fund at the end of a
8 fiscal year shall revert to the general fund unless an
9 appropriation provides a different period for expenditure.

10 B. The department of finance and administration
11 shall administer the fund to:

12 (1) provide grant disbursements pursuant to
13 Subsection I of this section;

14 (2) fund administrative costs necessary to
15 carry out the provisions of this section, including such
16 administrative costs that are necessary to evaluate the
17 efficacy of initiatives implemented by grantees to increase the
18 available workforce of public defenders and prosecutors;
19 provided that the amount expended for administrative costs
20 shall not exceed three percent of the total appropriations to
21 the fund; and

22 (3) fund statewide initiatives to increase the
23 available workforce of public defenders and prosecutors
24 undertaken by the public defender department or the
25 administrative office of the district attorneys or in

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1 collaboration between both agencies, as approved by the
2 committee, including conducting workload studies, the results
3 of which shall be used by the committee to improve the
4 structure and criteria of the provisions of this section and to
5 develop recommendations from the committee for policy or
6 program measures to be considered by the legislature; provided
7 that the amount expended shall not exceed six percent of the
8 total appropriations to the fund.

9 C. Disbursements from the fund shall be made on
10 warrants drawn by the secretary of finance and administration
11 pursuant to vouchers signed by the chair of the committee.

12 D. The "public attorney workforce capacity building
13 fund committee" is created and is administratively attached to
14 the department of finance and administration. The committee
15 consists of the following four voting members:

16 (1) two members who are employed by the
17 administrative division of the public defender department, to
18 be appointed by the chief public defender; and

19 (2) two members who are employed by the
20 administrative office of the district attorneys, to be
21 appointed by the director of the administrative office of the
22 district attorneys.

23 E. The committee shall elect a chair from among its
24 membership.

25 F. The committee shall:

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1 (1) conduct meetings once per year or more
2 often as necessary to carry out its duties at the times and
3 locations that the committee designates;

4 (2) develop criteria for the awarding of
5 grants as provided in Subsection K of this section;

6 (3) periodically review the award criteria and
7 recommend any amendments to the criteria based on the results
8 of any workload studies or evaluations of grantee initiatives;

9 (4) award grants to local offices of the
10 public defender and local district attorney offices as provided
11 in Subsection I of this section;

12 (5) review and approve proposals for statewide
13 initiatives as provided in Paragraph (3) of Subsection B of
14 this section;

15 (6) collect information about initiative
16 expenditures from grantees as provided in Subsection N of this
17 section;

18 (7) report applicant and grantee information
19 as provided in Subsection O of this section; and

20 (8) disseminate information regarding the
21 program and application process to all eligible entities.

22 G. A majority of the members of the committee
23 constitutes a quorum for the transaction of business.

24 H. Administrative and other necessary support shall
25 be provided to the committee by the department of finance and

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1 administration.

2 I. The committee may allocate:

3 (1) up to twenty-five percent of the money in
4 the fund, less administrative costs as provided in Paragraph
5 (2) of Subsection B of this section and funds expended for
6 statewide initiatives as provided in Paragraph (3) of
7 Subsection B of this section, for grants awarded to entities
8 whose primary jurisdiction is within a judicial district having
9 a population of at least five hundred thousand according to the
10 most recent federal decennial census;

11 (2) up to twenty-six percent of the money in
12 the fund, less administrative costs as provided in Paragraph
13 (2) of Subsection B of this section and funds expended for
14 statewide initiatives as provided in Paragraph (3) of
15 Subsection B of this section, for grants awarded to entities
16 whose primary jurisdiction is within a judicial district having
17 a population of at least two hundred fifteen thousand but less
18 than five hundred thousand according to the most recent federal
19 decennial census; and

20 (3) any amount of available money remaining in
21 the fund for grants awarded to entities whose primary
22 jurisdiction is within a judicial district having a population
23 of less than two hundred fifteen thousand according to the most
24 recent federal decennial census.

25 J. For purposes of Subsection I of this section, if

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1 applicants whose primary jurisdictions are within different
2 judicial districts apply jointly for a grant, the applicants,
3 if awarded a grant, would each receive an award amount based on
4 that individual applicant's judicial district.

5 K. The committee shall develop grant criteria to
6 guide its determination for the awarding of a grant, and the
7 criteria shall:

8 (1) take into consideration an applicant's
9 attorney vacancy rate;

10 (2) take into consideration an applicant's
11 attorney caseload;

12 (3) take into consideration cost of living and
13 comparable market compensation for an applicant's locality;

14 (4) take into consideration crime rates in an
15 applicant's locality;

16 (5) take into consideration the number of
17 attorneys employed by an applicant;

18 (6) prioritize, in its consideration, an
19 applicant's proposal for initiatives that target the
20 recruitment of candidates who are law school students,
21 attorneys who are not currently employed or contracted by the
22 state or attorneys who are not currently employed in New
23 Mexico;

24 (7) prioritize, in its consideration, an
25 applicant's proposal for initiatives that include collaboration

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1 among public defender offices, district attorney offices and
2 other criminal justice entities; and

3 (8) prioritize, in its consideration, an
4 applicant's proposal for initiatives that will take place
5 within a judicial district having existing pre-prosecution
6 diversion programs or a plan to implement those programs within
7 two fiscal years.

8 L. A grantee may use a grant award to:

9 (1) provide a recruitment differential
10 disbursement to newly hired attorneys, including a recruitment
11 differential disbursement for relocation expenses; provided
12 that the attorney remains employed as an attorney with that
13 same agency for one additional year;

14 (2) provide a retention differential
15 disbursement to attorneys already employed by the applicant;
16 provided that the attorney remains employed as an attorney with
17 that same agency for one additional year;

18 (3) implement professional development
19 initiatives designed to recruit, train and retain attorneys;
20 and

21 (4) implement campaigns to recruit in-state
22 and out-of-state candidates.

23 M. A grantee shall not use a grant:

24 (1) for recurring initiatives, except the
25 grantee may use a grant for a recurring initiative if the

1 grantee has provided a plan to replace nonrecurring funds with
2 recurring funds to fund that initiative;

3 (2) to create new attorney positions or fund
4 the base salary of existing attorney positions; or

5 (3) to contract with private attorneys for
6 prosecution or defense services, except if the initiative is
7 focused on increasing the number or capacity of private
8 attorneys available to provide prosecution or defense services
9 in a county or judicial district.

10 N. A grantee shall provide to the committee within
11 ninety days of receiving a grant, and then every ninety days
12 thereafter until the earliest of either the completion of the
13 grantee's initiative or all funds are expended, a report of the
14 grantee's expenditures for the grantee's initiative. Any
15 unexpended money remaining after the completion of the
16 grantee's initiative shall revert to the fund within sixty days
17 of completion of the initiative.

18 O. The committee shall provide at least one annual
19 report by November 1 of each fiscal year to the department of
20 finance and administration and the legislative finance
21 committee that contains:

22 (1) applicant information, including
23 information about the applicant agency, the grant amount
24 requested and the title and description of the applicant's
25 proposed initiative;

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1 (2) individual grantee information, including
2 information about the grantee's judicial district location, the
3 grant amount awarded and the title and description of the
4 grantee's initiative;

5 (3) data collected and evaluations made by the
6 department of finance and administration about the efficacy of
7 the initiatives of prior award recipients; and

8 (4) the status of any ongoing workload studies
9 and the results of any workload studies completed since the
10 time of the prior report.

11 P. As used in this section:

12 (1) "committee" means the public attorney
13 workforce capacity building fund committee; and

14 (2) "fund" means the public attorney workforce
15 capacity building fund."

16 SECTION 3. A new Section 9-6-19 NMSA 1978 is enacted to
17 read:

18 "9-6-19. [NEW MATERIAL] DETENTION AND CORRECTIONS
19 WORKFORCE CAPACITY BUILDING FUND--DETENTION AND CORRECTIONS
20 WORKFORCE CAPACITY BUILDING FUND COMMITTEE--ADMINISTRATION--
21 DISTRIBUTION OF FUNDS--GRANT CRITERIA.--

22 A. The "detention and corrections workforce
23 capacity building fund" is created in the state treasury to
24 support efforts to increase the available workforce of
25 detention officers, including initiatives to recruit and retain

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1 high-quality detention officers. The fund consists of
 2 appropriations, gifts, grants and donations. Money in the fund
 3 is subject to appropriation by the legislature. Any unexpended
 4 or unencumbered balance remaining in the fund at the end of a
 5 fiscal year shall revert to the general fund unless an
 6 appropriation provides a different period for expenditure.

7 B. The department of finance and administration
 8 shall administer the fund to:

9 (1) provide grant disbursements pursuant to
 10 Subsection J of this section; and

11 (2) fund administrative costs necessary to
 12 carry out the provisions of this section, including such
 13 administrative costs that are necessary to evaluate the
 14 efficacy of initiatives implemented by grantees to increase the
 15 available workforce of detention officers and such
 16 administrative costs that are determined, in consultation with
 17 the committee, to be necessary to conduct workload studies,
 18 including studies of retention and hiring challenges, the
 19 results of which shall be used by the committee to improve the
 20 structure and criteria of the provisions of this section and to
 21 develop recommendations from the committee for policy or
 22 program measures to be considered by the legislature; provided
 23 that the amount expended for administrative costs shall not
 24 exceed three percent of the total appropriations to the fund.

25 C. Disbursements from the fund shall be made on

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1 warrants drawn by the secretary of finance and administration
2 pursuant to vouchers signed by the chair of the committee.

3 D. The "detention and corrections workforce
4 capacity building fund committee" is created and is
5 administratively attached to the department of finance and
6 administration. The committee consists of the following four
7 voting members:

8 (1) one member who is employed by the
9 corrections department, to be appointed by the secretary of
10 corrections;

11 (2) one member who is employed by a local jail
12 in the state, to be appointed by the New Mexico association of
13 counties;

14 (3) one member who is the county manager of a
15 county government in the state that operates a local jail, to
16 be appointed by the New Mexico association of counties; and

17 (4) one member who is employed by the
18 department of finance and administration, to be appointed by
19 the secretary of finance and administration.

20 E. The committee shall elect a chair from among its
21 membership.

22 F. The committee shall:

23 (1) conduct meetings once per year or more
24 often as necessary to carry out its duties at the times and
25 locations that the committee designates;

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1 (2) develop criteria for the awarding of
2 grants as provided in Subsection N of this section;

3 (3) periodically review the award criteria and
4 recommend any amendments to the criteria based on the results
5 of any workload studies or evaluations of grantee initiatives;

6 (4) award grants to detention facilities as
7 provided in Subsections J through M of this section;

8 (5) collect information about initiative
9 expenditures from grantees as provided in Subsection Q of this
10 section;

11 (6) report applicant and grantee information
12 as provided in Subsection R of this section; and

13 (7) disseminate information regarding the
14 program and application process to all eligible entities.

15 G. A majority of the members of the committee
16 constitutes a quorum for the transaction of business.

17 H. A member of the committee shall not review or
18 vote on a proposal made by an applicant with whom the member is
19 employed.

20 I. Administrative and other necessary support shall
21 be provided to the committee by the department of finance and
22 administration.

23 J. The committee may allocate:

24 (1) up to twenty-eight percent of the money in
25 the fund, less administrative costs as provided in Paragraph

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1 (2) of Subsection B of this section, for grants awarded to
2 entities located within a county with a population of at least
3 five hundred thousand according to the most recent federal
4 decennial census; and

5 (2) any amount of available money remaining in
6 the fund for grants awarded to entities located within a county
7 with a population of less than five hundred thousand according
8 to the most recent federal decennial census.

9 K. For purposes of Subsection J of this section, if
10 applicants located within different counties apply jointly for
11 a grant, the applicants, if awarded a grant, would each receive
12 an award amount based on that individual applicant's county.

13 L. Any local jail is eligible to apply for a grant;
14 provided that the local jail is in compliance with applicable
15 statutory reporting requirements, including those described in
16 Sections 33-3-4 and 33-16-5 NMSA 1978.

17 M. The corrections department and all of its
18 corrections facilities are eligible to apply for a grant;
19 provided that:

20 (1) the application for a grant proposes to
21 undertake initiatives in collaboration with a local jail;

22 (2) the corrections department is in
23 compliance with applicable statutory reporting requirements,
24 including those described in Subsection F of Section 31-20-2
25 NMSA 1978, Subsection C of Section 33-15-3 NMSA 1978 and

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1 Sections 9-3-9, 33-9-10 and 33-16-5 NMSA 1978, and all
 2 reporting requirements for appropriations that have not been
 3 fully expended by the department and have not reverted to the
 4 general fund or any other fund; and

5 (3) for purposes of Subsection J of this
 6 section, the primary jurisdiction of the corrections department
 7 or corrections facility shall be based on the primary
 8 jurisdiction of the local jail with which the department or the
 9 corrections facility has proposed to collaborate.

10 N. The committee shall develop grant criteria to
 11 guide its determination for the awarding of a grant, and the
 12 criteria shall:

13 (1) take into consideration an applicant's
 14 detention officer vacancy rate;

15 (2) take into consideration cost of living and
 16 comparable market compensation for an applicant's locality;

17 (3) take into consideration an applicant's
 18 average daily inmate population over the most recent fiscal
 19 year;

20 (4) take into consideration the ratio of an
 21 applicant's number of employed detention officers to the
 22 average daily inmate population over the most recent fiscal
 23 year;

24 (5) prioritize, in its consideration, an
 25 applicant's proposal for initiatives that target the

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1 recruitment of candidates who are experienced detention
2 officers not currently employed by a local jail within the
3 state or the corrections department;

4 (6) prioritize, in its consideration, an
5 applicant's proposal for initiatives to be undertaken in
6 collaboration between local jails and between one or more local
7 jails and the corrections department; and

8 (7) prioritize, in its consideration, an
9 applicant that provides detention services to two or more
10 counties.

11 0. A grantee may use a grant award to:

12 (1) provide a recruitment differential
13 disbursement to newly hired detention officers, including a
14 recruitment differential disbursement for relocation expenses;
15 provided that the detention officer remains employed as a
16 detention officer with that same local jail or the corrections
17 department for one additional year;

18 (2) provide a retention differential
19 disbursement to detention officers already employed by the
20 applicant for the purpose of retention; provided that the
21 detention officer remains employed as a detention officer with
22 that same local jail or the corrections department for one
23 additional year;

24 (3) implement professional development
25 initiatives designed to recruit, train and retain detention

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1 officers, including tuition reimbursement and developing and
 2 conducting a core training academy for detention officers
 3 employed by local jails in collaboration with the corrections
 4 department or the department of public safety; and

5 (4) implement campaigns to recruit in-state
 6 and out-of-state candidates.

7 P. A grantee shall not use a grant:

8 (1) for recurring initiatives, except the
 9 grantee may use a grant for a recurring initiative if the
 10 grantee has provided a plan to replace nonrecurring funds with
 11 recurring funds to fund that initiative; or

12 (2) to create new detention officer positions
 13 or fund the base salary of existing detention officer
 14 positions.

15 Q. A grantee shall provide to the committee within
 16 ninety days of receiving a grant, and then every ninety days
 17 thereafter until the earliest of either the completion of the
 18 grantee's initiative or all funds are expended, a report of the
 19 grantee's expenditures for the grantee's initiative. Any
 20 unexpended money remaining after the completion of the
 21 grantee's initiative shall revert to the fund within sixty days
 22 of completion of the initiative.

23 R. The committee shall provide at least one annual
 24 report by November 1 of each fiscal year to the department of
 25 finance and administration and the legislative finance

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1 committee that contains:

2 (1) applicant information, including
3 information about the applicant detention facility, the grant
4 amount requested and the title and description of the
5 applicant's proposed initiative;

6 (2) individual grantee information, including
7 information about the grantee's detention facility, the grant
8 amount awarded and the title and description of the grantee's
9 initiative;

10 (3) data collected and evaluations made by the
11 department of finance and administration about the efficacy of
12 the initiatives of prior award recipients; and

13 (4) the status of any ongoing workload studies
14 and the results of any workload studies completed since the
15 time of the prior report.

16 S. As used in this section:

17 (1) "committee" means the detention and
18 corrections workforce capacity building fund committee;

19 (2) "corrections facility" means any facility
20 or program controlled or operated by the state or any of its
21 agencies or departments and supported wholly or in part by
22 state funds for the correctional care of persons, including the
23 penitentiary of New Mexico, which consists of the penitentiary
24 of Santa Fe and other places in the state designated by the
25 secretary of corrections, but not including a facility operated

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1 by a private independent contractor pursuant to an agreement
2 with the corrections department;

3 (3) "detention facility" means a local jail or
4 corrections facility;

5 (4) "detention officer" means any employee of
6 the corrections department or a local jail who has inmate
7 custodial responsibilities;

8 (5) "fund" means the detention and corrections
9 workforce capacity building fund; and

10 (6) "local jail" means a facility operated by
11 a county, municipality or combination of such local governments
12 and used for the confinement of persons charged with or
13 convicted of a violation of a law or ordinance, but does not
14 include a facility operated by a private independent contractor
15 pursuant to an agreement with a county, municipality or
16 combination of such local governments."

17 SECTION 4. REPEAL.--Section 9-6-5.3 NMSA 1978 (being Laws
18 2022, Chapter 56, Section 1) is repealed.