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FISCAL IMPACT REPORT

SPONSOR Garcia, M
LAST UPDATED 3/17/2023
ORIGINAL DATE 1/26/2023
SHORT TITLE Victim Advocates of Homicide Funding
BILL NUMBER House Bill 21
ANALYST Rabin

APPROPRIATION* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$5,000.0	Nonrecurring/Recurring (See Fiscal Implications)	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Costs to CVRC	No fiscal impact	Indeterminate but moderate (see Fiscal Implications)	Indeterminate but moderate (see Fiscal Implications)	Indeterminate but moderate (see Fiscal Implications)	Nonrecurring/ Recurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to appropriation in the General Appropriation Act
 Relates to Senate Bill 192

Sources of Information

LFC Files

Responses Received From

Department of Health (DOH)
 Crime Victims Reparation Commission (CVRC)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of House Bill 21

House Bill 21 appropriates \$5 million from general fund to the Crime Victims Reparation Commission (CVRC) for the purpose of funding law-enforcement-based advocates for victims of homicide and other violent crime. Any unexpended balance remaining at the end of any fiscal

year shall not revert.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Appropriation. The appropriation of \$5 million contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of any fiscal year shall not revert to the fund. Although this bill does not specify future appropriations, ongoing appropriations, particularly if used to fund services, create an expectation the program will continue in future fiscal years; therefore, this cost could become recurring after the funding period.

The House Appropriations and Finance Committee substitute for House Bills 2 and 3, as amended by the Senate Finance Committee, (General Appropriation Act) includes \$140 thousand in recurring funding from the general fund to CVRC for grants supporting victim advocate positions and \$415 thousand in recurring funding to the Department of Public Safety (DPS) to add five victim advocate positions. These appropriations will be made for the first time in FY24. Additionally, Senate Bill 192, as amended by the House Appropriations and Finance Committee, includes \$80 thousand for law-enforcement-based advocates for victims of homicide and other violent crime.

DPS began receiving federal Victims of Crime Act (VOCA) funds from CVRC in FY17, which has funded four victim advocate positions in New Mexico State Police (NMSP) to respond to calls-for-service in the field to assist victims of crime, a total annual cost of \$321.8 thousand. However, DPS reports that, due to federal funding reductions, CVRC reduced its funding to \$194.5 thousand in FY23 and FY24, leaving a shortfall of \$127.3 thousand in both years, and the commission will further reduce funding to \$97.2 thousand in FY25, leaving a shortfall of \$224.6 thousand. As a result, a portion of the funding for new advocates included in the General Appropriation Act (GAA) will likely be required to cover some of the existing positions, and DPS will only have sufficient funding to increase its advocates by three in FY24, rather than five.

Based on the annual costs to DPS of \$80.5 thousand per position, the \$5 million appropriation in this bill could fund 62 victim advocate positions for one year, 31 positions for two years, 21 positions for 3 years, 16 positions for four years, 12 positions for five years, or fewer positions for a longer period of time.

Additional Operating Budget Impact. CVRC reports the scope of the appropriation would require a significant expansion of its administrative and financial oversight responsibilities, requiring additional staff and posing additional operating budget costs to the agency. HB21 does not allow a portion of the appropriated funds be used for administrative costs; allowing for this would offset some or all of the costs to CVRC. As with the appropriation, these costs will not necessarily be recurring, but if the program is continued in future fiscal years, the additional operating budget impact would also become recurring after the funding period.

SIGNIFICANT ISSUES

The 2022 General Appropriation Act included \$500 thousand in a nonrecurring general fund appropriation to support law enforcement-based advocates for victims of gun violence and violent crime. However, CVRC has reported reticence from law enforcement agencies to apply for nonrecurring funding for staff positions. CVRC further reports it currently provides grant funding for victim advocates to five law enforcement agencies, but other departments “have either not applied for existing funds to support this type of service or have not demonstrated the capacity to manage this service in their grant applications for the existing funds.” However, CVRC notes if this funding were received, it would work with law enforcement agencies to develop the needed capacity and work with the existing programs to replicate successful violent crime victim assistance programs across the state.

The Department of Health (DOH) reports New Mexico had the highest age-adjusted violent death rate in the country in 2020, at 35.5 deaths per 100 thousand residents, as well as the fourth-highest age-adjusted suicide rate and 13th highest homicide rate.¹ Of the 748 violence-related deaths in New Mexico during 2020, 466, or 62 percent, involved firearms.

DOH notes an evaluation of victim services programs from the federal Office of Victims of Crime found such programs “substantially improved the lives of victims and their treatment by the criminal justice system.”²

Effective support for crime victims may have broader public safety implications. A wide body of research indicates most offenders were themselves victimized. Meeting victim needs can, therefore, address both the consequences of crime and one of its root causes. Further, adequately serving victims may improve their cooperation with prosecutors, reducing criminal case dismissals and increasing the certainty of justice. Issues with victim cooperation are a leading cause of criminal case dismissals, with between 12 and 24 percent of case dismissals due to issues with victim or witness cooperation. The 2nd Judicial District Attorney’s Office, in Bernalillo County, further reports such issues were responsible for almost half of cases for crimes against persons the office declined to prosecute between FY17 and FY22 and almost 30 percent of crimes against property it declined to prosecute.

RELATIONSHIP

The GAA includes \$140 thousand in recurring funding from the general fund to CVRC for grants supporting victim advocate positions and \$415 thousand in recurring funding to DPS to add five victim advocate positions. These appropriations will be made for the first time in FY24.

Senate Bill 192, as amended by the House Appropriations and Finance Committee, includes \$80 thousand for law-enforcement-based advocates for victims of homicide and other violent crime.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

DPS notes its plans for the five additional victim advocates in the GAA will not be able to be

¹ <https://wonder.cdc.gov/>

² <https://ovc.ojp.gov/>

fully realized due to reductions in federal funding, but the additional funding provided in this bill could potentially offset the lost federal revenue. DPS had planned to add victim advocates in District 7 (Española, Taos, and Chama), District 6 (Gallup and Grants), District 11 (Socorro, Quemado, and Truth or Consequences), District 1 (Santa Fe and Pecos), and District 12 (Deming, Silver City, and Lordsburg).

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