

LFC Requester:	<i>Scott Sanchez</i>
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/18/25 *Check all that apply:*
Bill Number: HB 406 Original Correction
 Amendment Substitute

Sponsor: P. Herndon **Agency Name and Code:** NM CVRC/ 78000
Short Title: Victim Recovery For Incarcerated **Number:** _____
Person Writing: Claire Harwell/Frank Zubia
Phone: 505-553-1223 **Email:** Frank.Zubia@cvrc.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	n/a	n/a

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	n/a	n/a

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: n/a
Duplicates/Relates to Appropriation in the General Appropriation Act : n/a

SECTION III: NARRATIVE

BILL SUMMARY

The bill amends the Crime Victims Reparation Act to include individuals who are the victims of crime while incarcerated in local or state detention facilities. These individuals would only qualify for reparations after their period of incarceration has been completed. The bill would eliminate a statutory prohibition on reparations in these circumstances.

Synopsis: *The bill provides post-carceral eligibility for reparations for crime victims whose victimization occurs while in detention.*

FISCAL IMPLICATIONS

None to CVRC.

Note: major assumptions underlying fiscal impact should be documented.

Guidance from states who provide these reparations has been sought. Iowa has such a statutory provision and administrators there have advised CVRC that no significant fiscal burden has been borne by any service provider agency as a result of the relatively small number of claims generated by this law.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

*Custodial sentences are intended to protect the public, but crime victimization of detainees work against that goal by creating barriers to successful reentry after detention. A recent national meta study found significant rates of carceral victimization, with 18% of inmates experiencing physical violence and 12% victimized sexually. * Heightened substance abuse and the associated lawless behaviors often flow from the psychological trauma caused by these typical forms of jail/prison violence. Post carceral counseling, paid for by victim reparations, is a compassionate strategy for protecting the community from additional offending by healing the detainee from harm caused during their time in local/state custody.*

PERFORMANCE IMPLICATIONS

None for CVRC.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

These crime victims will be ineligible for victim reparations.

AMENDMENTS

None suggested.

* *Meta study:*

Caravaca-Sánchez, F., Aizpurua, E., & Wolff, N. (2023). The Prevalence of Prison-based Physical and Sexual Victimization in Males and Females: A Systematic Review and Meta-Analysis. *Trauma, Violence, & Abuse*, 24(5), 3476-3492.

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