

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** \_\_\_\_\_ *Check all that apply:*  
**Bill Number:** SB 54 Original  Correction   
 Amendment  Substitute

**Sponsor:** Katy M. Duhigg; Janelle Anyanonu **Agency Name and Code Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Allows the Department of Corrections (DOC) Secretary to offer incentive and stipend programs for academy and specialty trainers. DOC's courses of instruction and training is open to county detention officers (employee of a local jail who has inmate custodial responsibilities). It requires DOC to enforce health care authority orders and rules pertaining to behavioral health within DOC. Requires DOC to establish and operate a medication assisted treatment (MAT) program that starts internally for DOC incarcerated people and expands to those incarcerated in state correctional facilities and county detention facilities. Makes DOC responsible for tracking and reporting data, developing, implementing and publishing policy about the MAT and ensuring a continuum of behavioral healthcare between county detention facilities and the DOC. The DOC is to provide all medications approved by the federal food and drug administration (FDA) for substance use disorder, withdrawal management to ensure each program participant receives the most effective medication identified to meet his/her individual needs.

Proposes that the NM Sentencing Commission (NMSC) be responsible for: coordinating reentry efforts for those released from prison and detention centers; fostering collaboration and communication with reentry stakeholders; establishing minimum standards for reentry to include pre-release assessments, a continuum of care for behavioral and physical health, employment, housing and basic needs; and for creating a public crime data dashboard with DPS on NMSC's website. It requires the NMSC to promulgate rules governing the data dashboard; to guide agencies on reporting to the dashboard; to provide safeguards to monitor, record, access and use the dashboard. Directs the Department of Public Safety (DPS) to provide collected data to the NMSC.

The bill adds language to include public defenders and district attorneys in increased loan repayment awards and language that prioritizes health care professions who provide behavioral health services to incarcerated individuals and to those supervised by DOC in loan repayment and award criteria. Licensed clinical social worker or licensed counselor is added to the definition of health professional.

The definition of Crisis expanded to include autism spectrum disorder, substance use disorder or co-occurring disorder. Adds mental illness, substance use disorder, person in crises, law enforcement deflection program, treatment, mental health professional, validated risk and needs assessment definitions to the Criminal Procedure Act 31-1-2.

New Section: Law Enforcement Defection Program (LEDP) authority and Program Requirements added to the Criminal Procedure Act which states any law enforcement agency, first responder entity or local government may establish a LEDP in partnership with one or more licensed providers of behavioral health services or substance use disorder treatment services which can be funded by grants awarded to counties.

New Section: Encounter of A Person In Crises added to the Criminal Procedure Act which gives law enforcement or qualified mental health professional options in resolving the

nonmedical intervention without charges on a voluntary basis. This Section also requires each law enforcement agency in the state to establish a policy and procedure for interacting with a person in crisis.

The bill also establishes factors that the district attorney should consider in determining eligibility for a pre-prosecution diversion program and eliminates “shall not have no prior felony convictions for a violent crime”.

New Section: Treatment Court Diversion establishing each district court discretion in having a treatment court to include drug, mental health or other treatment based court diversion program with the ability to determine participant eligibility criteria and guidelines.

Adds language giving magistrate, metropolitan or district court authority to impose standard probation conditions that are necessary to maintain public safety and impose special conditions necessary to the successful rehabilitation of the defendant pursuant to the results of a validated risk and needs assessment (VRNA). The VRNA required shall be in accordance with periodic validation studies and timeline established by the developer of the tool. DOC shall develop and procure to ensure proper and consistent scoring of the VRNA and training for persons administering the tool. The results of a VRNA evaluation used to make treatment, program eligibility decisions, facility placement or level of supervision decisions can be included in a presentence or prerelease report. The parole board, in consultation with the director, may impose special conditions necessary for successful rehabilitation of the person and may follow the VRNA procedure.

The bill restricts the court from entering a conditional discharge order for persons found guilty of driving under the influence of intoxicating liquor or drugs unless 5 years or more have elapsed since the date of conviction.

The bill authorizes the Violence Intervention Program (VIP) to use crime mapping and data. The VIP must comply with all reporting requirements as specified and can partner with the crime victims reparation commission to identify ways that support victims of violence.

Court Education Services division of AOC shall provide continuing education and training on substance use disorders, mental health conditions and co-occurring disorders that shall occur every four years.

## **FISCAL IMPLICATIONS**

CYFD’s increase in applicants and requested funding amount based on Law Enforcement Defection Programs statewide. Increase cost for mental health services for CYFD based on the available options provided to law enforcement in addressing “Persons in Crises” especially if involving children in CYFD custody.

## **SIGNIFICANT ISSUES**

Promotes the recruitment and retention of public defenders, district attorneys, licensed clinical social workers and licensed counselors statewide. More social workers and counselors available to work with CYFD’s protective services children and families and juvenile justice services

statewide. This added resource would be beneficial to CYFD's service population. The utilization of collected data and crime data dashboard opportunities will allow CYFD to make informed and effective decisions regarding community-based needs and programming.

The focus on crisis intervention, required training and the utilization of a standard assessment tool will promote safety, community-based treatment and resources for CYFD's service population.

Many areas of the bill are not applicable to juvenile delinquency and the juvenile justice system including juvenile detention facilities, and CYFD facilities.

### **PERFORMANCE IMPLICATIONS**

Confidentiality Provisions of the Children's Code that restrict the sharing of sealed juvenile records and other confidential information.

### **ADMINISTRATIVE IMPLICATIONS**

NONE

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

### **TECHNICAL ISSUES**

None

### **OTHER SUBSTANTIVE ISSUES**

No major impact due to the focus on adult criminal justice system. Training components do not specifically address the specialized area of children.

### **ALTERNATIVES**

None

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

### **AMENDMENTS**

None