

LFC Requester:

Scott Sanchez

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: 01/23/2025

Check all that apply:

Bill Number: SB54Original Correction Amendment Substitute Sponsor: Katy M. Duhigg and Janelle AnyanonuShort Title: Criminal Justice Changes

Agency Name

and Code

790 – Department of Public Safety

Number:

Person Writing

Sonya K. ChavezPhone: 505-414-Email: Sonya.Chavez@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$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	\$0.0	\$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	\$1,840.2	\$404.7	\$2,449.9	Recurring	General Fund

(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

Relates to Public Safety. Proposes a coordinated multi-agency approach to addressing behavioral health issues that impact public safety and corrections statewide that includes workforce development and in-service training, system-wide behavioral health standards of care, data management and use to target law enforcement resources, crisis intervention, law enforcement deflection, medical treatment and intervention, pre-trial diversion and post-incarceration re-entry programs, and the creation of a statewide plan for community-based crisis intervention. Establishes new funds.

FISCAL IMPLICATIONS

LAW ENFORCEMENT RECORDS BUREAU

The fiscal implications of SB 54 for DPS are substantial and require careful financial planning. The initial investment for upgrading the National Incident-Based Reporting System (NIBRS) is estimated at \$1.5 million. This cost includes reengineering the database to meet modern technology standards, developing interfaces for seamless data sharing among disparate law enforcement agencies, and ensuring interoperability through an API (Application Programming Interface) between DPS and other entities.

In addition to the initial investment, there are recurring costs associated with personnel and system maintenance. For fiscal year 2026, the initial personnel costs are projected at \$340,200 with recurring costs of \$329,7000 in FY 2027 and beyond. The upgrade necessitates the hiring of three (3) additional full-time employees (FTEs): two (2) Program Coordinator I positions and one (1) Program Coordinator II position. These FTEs will manage the expanded data requirements mandated by NMSA 29-3-11, overseeing integration, generating detailed reports, and providing technical support to local agencies.

Annual maintenance of the updated system is projected to begin at \$75,000 with an annual increase of approximately 4% thereafter. This funding will support the creation of a public crime data dashboard, enhance inter-agency coordination, and facilitate targeted resource allocation. Ultimately, the investment aims to improve data-driven criminal justice and behavioral health interventions across New Mexico, laying a strong foundation for a more effective and efficient public safety infrastructure.

This bill also requires DPS to create a central repository for the collection, storage, retrieval, and analysis of crime incident and arrest reports generated by ALL law enforcement agencies throughout the state. It also requires DPS to provide forms to all state law enforcement agencies and create an annual report. DPS handles a significant amount of incidents occurring statewide. It would be extremely costly and burdensome to require DPS to not only maintain all of their own records, but those of every other law enforcement agency in the state. It would also put the onus on DPS to respond to IPRA requests for all law enforcement agencies in New Mexico since this bill would require DPS to retrieve all incident and arrest reports. DPS receives thousands of IPRA

requests each year relating to DPS matters. It would be unable to keep up with IPRA requests for all agencies without significant funding and additional staff.

FORENSIC LABORATORY BUREAU

SECTION 3 on pages 14-15 creates a new section of the Department of Public Safety Act to read: "[NEW MATERIAL] FORENSIC LABORATORY BUREAU FUND.--The "forensic laboratory bureau fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The department shall administer the fund, and money in the fund is appropriated to the department's forensic laboratory bureau to expand operations, increase efficiency and reduce delays in evidence processing. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of public safety or the secretary's authorized representative."

DPS supports the legislative intent of this bill, however, to reach full sustainability of the fund, the legislative body must provide an adequate funding source. DPS does not fiscally have the capability to implement or sustain this fund with our own general fund. Additionally, bill language makes several key assumptions that sustained funding will lead to measurable improvements in laboratory operations, including faster evidence processing and reduced backlogs. While the fund may lead to investment in modern equipment, facility expansion, and staff training, proposed calculations should account for current caseload trends, projected growth, and resource allocation to ensure effective use of the fund.

SIGNIFICANT ISSUES

NEW MEXICO STATE POLICE

Page 35 line 4- INTERACTIONS WITH PERSONS (WITH MENTAL IMPAIRMENTS)

We believe (with mental impairments) needs to be removed as a person in crisis does not mean they have a mental health concern. These are two distinct definitions and types of situations law enforcement may encounter or deal with.

Page 35 line 14 - in crisis training, shall be included as a component of in-service law enforcement training pursuant to Section 29-7-7.1 NMSA 1978.

Based on new legislative requirements, "Handling a Crisis" training is already an annual 4-hour block of training.

Page 35 line 24 through line 2 of Page 36- a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism .229100.2 spectrum disorder, substance use disorder, youth in crisis and traumatic brain injury or a co-occurring disorder."

This is a comprehensive list, so this needs to be intended for individuals who are living with a mental health disorder, are neurodivergent, or are experiencing acute anxiety or panic due to an unresolved traumatic event.

Page 38 line 16-18"person in crisis" means a person with mental illness or substance use disorder who is experiencing a behavioral health crisis;

This definition doesn't fully capture what a crisis is. Mental health can be a part of a crisis, but not every crisis necessarily involves mental health issues.

Page 41 line 13-18 A. If a law enforcement officer or qualified mental health professional has probable cause to believe that an individual is experiencing a behavioral health crisis and requires nonmedical intervention, the law enforcement officer may resolve the intervention without charges on a voluntary basis by transferring the individual to:

We need to clarify the scope of this. In the bill "Probable cause" is defined as the belief that a crime has been committed. What criteria or sources of information are we using to identify a behavioral health crisis? It's important to note that we cannot diagnose in this context. The signs and symptoms of a mental health crisis may not always be linked to a mental health disorder or substance use. This needs to be aligned with section 43.1.10 (Emergency Mental Health Evaluation).

Page 42 line 1 and 2 (2) a crisis-intervention-team-certified law enforcement officer or a member of a mobile crisis team; or:

Law enforcement officers in CIT lack the necessary resources, training, experience, or credentials to handle this effectively. Instead, CIT would simply direct individuals to a resource that officers could assess on their own without turning it over to a licensed medical professional.

Page 42 lines 17-22 D. As used in Subsection A of this section, "nonmedical intervention" means a person alleged to be severely mentally ill or experiencing a chemical dependency emergency and in such condition that immediate intervention is necessary for the protection from physical harm to self or others."

Law enforcement are not medical professionals, nor do they possess professional qualifications. Therefore, law enforcement cannot accurately assess the severity of a mental illness or determine whether it's drug-induced. Moreover, isolating severe mental illness in this way could lead to discrimination against those with less severe conditions. Officers are not trained or equipped to make these kinds of determinations.

Page 52, line 5 amends Section 31-20-13 to allow the court to enter a conditional discharge for the crime of driving while under the influence once five (5) or more years have elapsed since the date of conviction. DPS does not support this portion of the bill. Driving while under the influence of intoxicating liquor or drugs is pervasive in New Mexico and is the cause of many deaths of innocent bystanders each year. Unlike other crimes that are bound by *State v. Linam*, 1979-NMSC-004, 600 P.2d 253, there is no limitation as to the age of a DWI prior conviction to be used to enhance a future DWI charge. DWI is one of the few carved out exceptions in which the current law provides no possibility for a conditional discharge. Providing the ability to receive a conditional discharge removes the adjudication and prevents the prosecution to use that case to enhance a future DWI charge. This kind of change is not needed here in New Mexico wherein there is such a significant DWI problem that continuously places the motoring public at risk.

NEW MEXICO LAW ENFORCEMENT ACADEMY

Section 11 – Definitions Update (Pages 31-34)

This section updates definitions within the Law Enforcement Training Act. It redefines terms such as “academy,” “basic law enforcement training,” and “certified regional law enforcement training facility.” The updates emphasize expanded training requirements, including new standards for officers managing crisis situations. These changes directly impact the New Mexico Law Enforcement Academy (NMLEA) by requiring revisions to training curricula and certification criteria to align with the updated definitions.

Section 12 – Training for County Detention Officers (Page 34)

This section introduces a new training program for county detention officers in collaboration with the Corrections Department’s training academy division. Detention officers who complete the program become eligible for certification through the NMLEA, with associated per diem, mileage, and tuition expenses covered by the Detention and Corrections Workforce Capacity Building Fund. Because training for corrections officers is drastically different than that for law enforcement officers, it is recommended that this be conducted by the New Mexico Corrections Academy, rather than the LEA. The LEA can support in a consulting role by providing models for integrating curriculum among multiple participating agencies. The Corrections Academy can utilize the model utilized by the LEA and its nine (9) satellite academies for implementing curriculum and training among the 33 county detention facilities. This will not create a fiscal impact to the NMLEA as the New Mexico Corrections Department (NMCD) concurs that it will fall under their umbrella of corrections training as their curriculum is completely different from policing. NMLEA will act in an advisory capacity to provide the model by which it acts as a compliance agency over the nine (9) law enforcement satellite academies.

It will necessitate a standardized curriculum for all 33 county detention centers statewide, along with specialized training in areas such as crisis intervention, hostage situations, tourniquet application, and OC (oleoresin capsicum) training. The NMLEA can provide support and supplementation through trained and certified instructors, and assist with curriculum development and implementation. This recommendation is not anticipated to result in any fiscal impact to the NMLEA

Section 13 – Crisis Management Training (Pages 35-36)

Section 13 mandates a minimum of 40 hours of crisis management training, including de-escalation techniques and interaction with persons in crisis, within basic law enforcement training. Additionally, 8 hours of annual in-service crisis management training are required for certified officers. Pre-recorded courses cannot satisfy these requirements, ensuring hands-on, practical instruction. The addition of 6 hours in crisis management training can be accomplished by the LEA with nominal modifications. Because the existing course has a fully developed curriculum, the six hours can be easily folded in with no need for additional resources.

The NMLEA supports this legislation and anticipates minimal financial impact. The addition of six hours to the existing basic curriculum will have a nominal effect on the Academy, given the hours already required. We are well-prepared to expand the existing course with relative ease. However, we recommend against including language specifying in-person training or pre-recorded sessions, as the proposed changes apply solely to basic academy training and do not modify the scope of statute 29-7-7.5C, which governs in-service training. This proposal is not expected to result in any fiscal impact.

Section 16 – Encounters with Persons in Crisis (Pages 41-42)

This section mandates that law enforcement agencies establish policies for interacting with individuals in crisis, including procedures for transferring such individuals to treatment providers or crisis teams. It requires both DPS and NMLEA to develop guidelines and training programs to assist agencies in implementing these policies. The NMLEA will need to incorporate these guidelines into its training programs and ensure that officers are prepared to manage crisis situations effectively.

As part of crisis intervention training, the NMLEA will enhance its focus on ensuring each officer thoroughly understands their respective agency's policies regarding interactions with individuals in crisis and how to apply those policies effectively. This subject is already a significant component of existing scenario-based training. The proposed adjustment does not introduce any additional fiscal impact.

NEW MEXICO STATE POLICE

Regarding Section 16, it's important to note that the successful establishment of a deflection program cannot be accomplished in isolation. It requires thoughtful planning and collaboration across multiple sectors, including behavioral health service providers, substance use disorder treatment organizations, local government agencies, and non-governmental organizations. The Department of Public Safety strongly supports the development and implementation of deflection programs, which aim to redirect individuals involved in low-level criminal offenses into supportive programs that address the underlying issues contributing to their behavior."

LAW ENFORCEMENT RECORDS BUREAU

By enhancing data-sharing capabilities through the re-engineered NIBRS system, SB 54 aims to significantly improve the performance of law enforcement and public safety agencies. Access to real-time, accurate data will enable targeted resource allocation, efficient crisis intervention, and better monitoring of recidivism trends. These measures will also enhance transparency through the public crime data dashboard, allowing stakeholders to assess the effectiveness of deflection programs, MAT utilization, and behavioral health interventions. The bill's emphasis on evidence-based approaches aligns with national best practices, positioning New Mexico as a leader in data-driven criminal justice reform.

It is important to note, that 29-3-11-C (1), NMSA 1978 requires all law enforcement agencies to submit crime incident reports. However, legislative language and penalties do not exist holding non-compliant agencies accountable. For NIBRS to reach statewide success, a revision in

legislative language is required.

FORENSIC LABORATORY BUREAU

The creation of a Forensic Laboratory Bureau Fund, provided there is sufficient funding, will assist the laboratory in processing evidentiary items from crime scenes. Evidence in criminal cases is submitted by 300 law enforcement agencies throughout the State of New Mexico. The three New Mexico Department of Public Safety Forensic Laboratories in Santa Fe, Las Cruces and Hobbs, will allow for all disciplines in the laboratory to utilize funds to promote the expeditious testing of forensic evidence in DNA, Drug Chemistry, Latent Prints and Firearms / Tool Marks. Reliable funding ensures sustained performance improvements.

ADMINISTRATIVE IMPLICATIONS

LAW ENFORCEMENT RECORDS BUREAU

This bill introduces significant administrative implications for state and local agencies, requiring enhanced coordination, data management, workforce training, and compliance efforts. Notably, NMSA 29-3-11 for DPS does not mandate law enforcement agencies to report data, which leads to inconsistencies in crime data collection and hinders the effectiveness of the bill's transparency and data-driven objectives.

FORENSIC LABORATORY BUREAU

The Bureau will implement efficient protocols to manage and allocate resources from the new fund to ensure transparency and compliance with all applicable funding guidelines. Reporting measurable outcomes, such as backlog reduction, will showcase the fund's success and accountability. bFund requirements should remain consistent, in collaboration with realistic needs and resources of the forensic laboratories.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

LAW ENFORCEMENT RECORDS BUREAU

The proposed NIBRS system upgrade presents several technical challenges, including ensuring interoperability between disparate agency systems and maintaining data accuracy across platforms. Robust privacy and security measures are essential to safeguard sensitive behavioral health and criminal justice data while complying with federal regulations such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Additionally, training law enforcement personnel on updated protocols and reporting requirements is crucial for consistent implementation. Any delays in developing interfaces or securing funding could hinder the bill's timely execution.

OTHER SUBSTANTIVE ISSUES

LAW ENFORCEMENT RECORDS BUREAU

SB 54 reflects a shift toward addressing the root causes of criminal behavior, such as untreated behavioral health conditions, through data-driven interventions and collaborative care models. The emphasis on inter-agency coordination will foster a more unified approach to public safety and health outcomes. However, the bill must ensure that rural and underserved areas receive adequate support to participate fully in these initiatives. There are several rural law enforcement agencies that struggle financially to meet the requirements of these mandates and will therefore, need state funding to bring them up to par. Investments in infrastructure and personnel will be critical to achieving equitable access to treatment and resources statewide. The affected agencies will require up to fiscal years FY 2028 to facilitate the change.

FORENSIC LABORATORY BUREAU

The Laboratory historically utilized non-reverting State Chemistry Fund fees to support the funding of chemistry personnel and the purchase of forensic drug chemistry equipment and instrumentation. In 2023, during the 55th Legislative Session, legislative action removed Chemistry Fund fees for use by the New Mexico Department of Public Safety Forensic Laboratory. With the addition of this proposed fund, if adequately funded out of the State General Fund, staff can utilize funding in all disciplines: DNA, Drug Chemistry, Latent Prints and Firearms / Tool Marks.

ALTERNATIVES

None proposed at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

LAW ENFORCEMENT RECORDS BUREAU

Failure to enact SB 54 would perpetuate systemic inefficiencies and disparities in New Mexico's criminal justice and behavioral health systems. Law enforcement and corrections would continue to lack the tools and data needed for effective resource allocation and crisis intervention. Without coordinated care models and enhanced data-sharing, recidivism rates may remain high, and individuals with behavioral health disorders will face continued incarceration instead of receiving appropriate treatment. The absence of a public crime data dashboard would limit transparency and hinder evidence-based decision-making, undermining public trust and progress toward meaningful reform.

AMENDMENTS

None at this time.