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| LFC Requester: | Chenier |
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: 2/17/2025 *Check all that apply:*

Bill Number: SB 405 Original Correction

Amendment Substitute

Sponsor: Linda M. Lopez **Agency Name and Code** AOC 218

Short Title: Blue Ribbon Behavioral Health Statutory Review Committee and the Criminal Justice Policy Collaborative Task Force **Person Writing Analysis:** Kelly Bradford/ Stacey Boone/ Abbey Chavez

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------------------|---------------------------|---------------|
| FY25 | FY26 | | |
| | 150,000 in FY 26 | Recurring through FY27 | |
| | | | |

(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 |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 3

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

SB 405 proposes to create a bipartisan behavioral health statutory review committee and criminal justice policy task force. It establishes goals and priorities of the committee and task force such as gathering behavioral health experts across the state to review and evaluate current New Mexico law and policy as it relates to behavioral health, treatment courts, mental health, addiction, inpatient care and assisted outpatient treatment. SB 405 allocates \$300,000.00 over a two-year period to support the function of the committee and the hiring of experts well versed in “behavioral health treatment law”. SB 405 specifically requires reporting to the governor’s office, the appropriate legislative interim committee and the NM Supreme Court Commission on Mental Health and Competency. SB 405 provides the option for committee and task force members to participate in interviews with committee staff to express their views.

FISCAL IMPLICATIONS

Section 2, Appropriation indicates \$300,000 appropriated from the general fund to the legislative council for fiscal years 2026 and 2027.

Section 1, B. describes the members of the proposed committee as four representatives from each of the judicial districts in New Mexico, two active district attorneys and two active public defenders.

The allocation may not be sufficient to provide per diem and mileage for the committee members at the meeting frequency described in the proposal.

SIGNIFICANT ISSUES

1. **Conflict with Senate Bill 3:** SB 405 directly conflicts with SB 3. The executive committee outlined in SB 3 is comprised of the following individuals/agencies: the secretary of healthcare authority, the director of the behavioral health services division of the health care authority, who shall chair the committee, the director of the medical assistance division of the health care authority, the director of the administrative office of the courts, and three behavioral health experts designated by the director of the administrative office of the courts.

The committee established in SB 405 and the executive committee established in SB 3 are tasked with similar objectives and similar entities/representatives. These two committees on differing and sometimes conflicting timelines, and have different reporting requirements. SB 3 requires the executive committee to designate behavioral health regions, review and approve regional plans, establish funding strategies and structure based on approved regional plans, monitor and track deliverables and expenditures, address deficiencies and implementation issues of regional plans, and establish a project management strategy that shall be led by a project manager at the health care authority.

SB 405 describes a different process than the one outlined in SB 3 for communities to convene and collaborate on behavioral health best practices and community priorities.

SB 3 proposes to utilize the Sequential Intercept Mapping to bring together the same stakeholders as noted in SB 405. Sequential Intercept Model (SIM) details how individuals with mental and substance use disorders come into contact with and move through the criminal justice system. The SIM helps communities identify resources and gaps in services at each intercept and to develop strategic action plans, according to the Substance Abuse and Mental Health Services Administration (SAMHSA). Should SB 405 move forward without consideration of community priorities and regional plans, those same stakeholders may need to reconvene separately to regionally map their communities and prioritize their action plans in order to receive funding opportunities as proposed in SB 2 and SB 3. This could result in a duplication of effort.

2. **“Treatment Law” Ambiguity**

Section 1, F. refers to “behavioral treatment law”. The phrase “behavioral treatment laws” is ambiguous and should be defined. The Mental Health and Developmental Disabilities Code addresses many aspects of behavioral health treatment through the state; however, it is unclear if this code is the intended target of this legislation.

3. **Established Practices**

Much of what is proposed in SB405 regarding treatment courts is already established and in practice throughout New Mexico. The Therapeutic Justice Support Program (TJSP) exists within the Administrative Office of the Courts (AOC) for the sole purpose of reviewing national standards, implementing best practices related to treatment courts and providing technical assistance and support to the treatment court programs throughout the state.

Per Supreme Court Order [NO. 21-8500-002](#) all treatment court programs in New Mexico are required to implement and adhere to New Mexico Supreme Court Standards. The order outlines specific procedures for treatment courts and sets expectations of how these cases should be handled, identifies eligibility criteria, and establishes the qualifications of treatment providers serving the treatment court population.

The order was developed in collaboration with national partners, such as All Rise, using established best practice standards informed by over 30 years of treatment court [research](#). This section contradicts a supreme court order, and relies on the proposed committee to inform these policies. Eligibility criteria should be based on objective criteria, using validated evidence-based screening and assessments to determine the individual’s risk and need level. These criteria have been defined within the New Mexico Treatment Court standards approved by the Supreme Court. Failure to require programs to follow these practices can threaten harm to program participants and use of resources ineffectively.

SB 405 also proposes to review best practices related to Assisted Outpatient Treatment (AOT). During the special legislative session in 2024, the AOC received funding to pilot AOT in the 1st Judicial District (Santa Fe, Rio Arriba and Los Alamos counties). That pilot implementation included accessing technical support and assistance from national AOT experts, the Treatment Advocacy Center (TAC). TAC is widely regarded as the national leader on AOT implementation and has undergone independent reviews of their implementation and policy key components and foundational principles. The AOC has utilized these components and principles to implement its pilot programs.

4. “Criminal Justice Policy Collaborative Task Force” duplicates “Criminal Justice Coordinating Councils”

The proposed Criminal Justice Policy Collaborative Task Force duplicates the already established Criminal Justice Coordinating Councils throughout the state. Criminal Justice Coordinating Councils (CJCC) were statutorily established in 2019. (NMSA 1978, Section 31-28-3 (2019)). These councils were created for each judicial district and include representation from the following: each court in the district, the district attorney, the district public defender office, law enforcement agencies, jails, behavioral health programs and other agencies.

CJCCs are compelled, by statute, to develop strategic plans that specifically address the following: review the criminal justice system in the judicial district, including judicial processes, law enforcement, community corrections alternatives and sufficiency of jail and detention facilities; identify criminal justice system problems in the judicial district; develop data-driven policies and evidence-based best practices designed to improve public safety outcomes, cost-effective responses to crime and fair and efficient adjudication processes; facilitate applications from its members for crime reduction grants pursuant to the Crime Reduction Grant Act; facilitate sharing of criminal justice information between agencies as permitted by law; and develop data-sharing agreements and methods of data sharing to allow system-wide analysis of criminal justice operations within the judicial district and throughout the state.

5. Meeting Frequency

Section 1, C. requires the committee to meet no less than twice per month. The proposal is vague as to whether these meetings will occur in person or virtually. The professionals compromising this committee are high level organizational leaders and subject matter experts. It is unlikely these individuals can meaningfully commit to meeting at the frequency proposed. This is particularly cornering for judges and attorneys whose schedules are dictated by their trial dockets.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 3: See Significant Issues above

TECHNICAL ISSUES

1. Marginalized Populations:

Section 1, B. Lack of definition of “marginalized population”, interpretation of this term could be varied and thus create conflict within the committee regarding priorities and goals.

2. Reporting Requirements:

Section 1, E. Reporting requirements and frequency are vague and not clearly defined. The bill appears to imply a one-time report due October 1, 2026, though the committee and its work would be funded through June 30, 2027. It is unclear if another, final report, would be required at the completion of the committee’s work.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS