

LFC Requester:**Eric Chenier****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: 2/17/25 *Check all that apply:*
Bill Number: SB405 Original Correction
 Amendment Substitute

Sponsor: Sen Lopez **Agency Name and Code** HCA-630
Short Title: BH Statutory Review Committee **Number:** _____
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26 - FY27		
\$0	\$300.0	Recurring	State General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NA	NA	NA	NA	NA

(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	NA	NA

(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:

Senate Bill 405 (SB405) Creates the Bipartisan Blue Ribbon Behavioral Health Statutory Review Committee appointed by Legislative Council; provides for membership and duties; requires the committee to create a Criminal Justice Policy Collaborative Task Force. Appropriates \$300,000 to the Legislative Council Service in FY26 and 27. Any unexpended or unencumbered balance remaining at the end of fiscal year 2027 shall revert to the general fund

FISCAL IMPLICATIONS

None for the Health Care Authority (HCA).

SIGNIFICANT ISSUES

SB405, Section B- Proposes a committee that is similar in function to the already existing New Mexico Sentencing Commission (NMSC). The NMSC was created in 2003 and serves as a criminal and juvenile justice policy resource to the three branches of state government and interested citizens. The NMSC's principal organizing statute is Section 9-3-10 NMSA 1978. It is a successor to the Criminal and Juvenile Justice Coordinating Council, with expanded membership and greater responsibilities (NMSC.UNM.edu).

NMSC's mission is to provide impartial information, analysis, recommendations, and assistance from a coordinated cross-agency perspective with an emphasis on maintaining public safety and making the best use of our criminal and juvenile justice resources.

Section B (pg.2, line 4-5) - Criminal Justice Coordinating Councils in New Mexico were established by Supreme Court of New Mexico Order 16-8500 in 2016. In 2019, the New Mexico Legislature passed a law creating the Criminal Justice Coordinating Councils (CJCCs) in every judicial district in the state. § 31-28-3 NMSA 1978. These CJCCs, include district attorneys and public defenders alongside other key stakeholders in the justice system and exist to develop strategies to address, "...criminal-justice-involved practices needing improvement in their respective judicial districts".

Section C. The NMSC and CJCCs are made up of representatives from the criminal justice system, including members of the Executive and Judicial branches, legislators' appointees, law enforcement officials, criminal defense attorneys, district attorneys and citizens. HCA Behavioral Health Services Division (BHSD) has a representative that sits on the NMSC full commission and participates in the reform and Grants Sub-Committees.

As these two entities exist in statute and are coordinated, they may be able meet the proposed timelines and meeting frequency.

Section D. (pg. 2, lines 19-20) - Within the NMSC there are four working sub-committees capable of addressing practices for, "...trauma-informed adult, young adult and juvenile treatment court programs.". Of these sub-committees, there are the reform committee and grants committee. The reform committee is actively working to address behavioral health law reform, and the grants committee awarded nearly four million dollars in FY24 and FY25 under the Crime Reduction Grant Act (Section 31-28-1 NMSA 1978, *et seq.*). In effect, the NMSC and the thirteen CJCCs satisfy, "...evaluating current New Mexico policies and practices for recommendations and enhancements to ensure that marginalized populations receive appropriate behavioral health care

and support (pg. 1, line 25 – pg. 2, line 3). Within the CJCCs there is capacity to collaborate with community-based agencies to include providers who deliver assisted outpatient treatment, mental health treatment, residential treatment for inpatient services.

Section E - The NMSC is positioned well to assume responsibility for the mandates proposed in SB405. In its present state the NMSC's mission is to provide impartial information, analysis, recommendations, and assistance from a coordinated cross-agency perspective with an emphasis on maintaining public safety and making the best use of our criminal and juvenile justice resources (NMSC.UNM.edu). It may be more readily equipped to support a behavioral health policy collaborative task force, in lieu of a criminal justice policy collaborative task force.

Section F- NMSC has existing staff of experts in law, the justice system and behavioral law and treatment reform. Their staff includes a director, attorney, researchers, financial officer and a CJCC liaison. These staff members are well-versed in working with legislators and the legislative council.

PERFORMANCE IMPLICATIONS

Per Statute Section 9-3-10 NMSA 1978, HCA BHSD is a member of the NMSC full commission and HCA BHSD participates in both the NMSC's reform and grants sub-committees, each of which directly impacts behavioral health care and support either through policy recommendations, or selection and oversight of CJCC awardees.

ADMINISTRATIVE IMPLICATIONS

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

Authorize the NM Sentencing Commission to perform duties stated in this bill.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The NM Sentencing Commission will continue to perform many of the duties stated in this bill.

AMENDMENTS

N/A