

LFC Requester:

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

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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}

Check all that apply:

Original **Amendment** _____
Correction _____ **Substitute** _____

Date February 21, 2025
Bill No: SB 428-280

Sponsor: Linda M. Lopez & Antoinette Sedillo Lopez
Short Title: Crossover Youth Act

Agency Name and Code Number: LOPD-280
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	\$1,000	nonrecurring	general

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure 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:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

- SB 428 seek to create a program for rehabilitating crossover youth and dually involved eligible adults.
- Section 2 of SB 428 defines “crossover youth” as a child who is both involved in child welfare and juvenile justice system; and it defines “involved eligible adults” as a person who is in the foster care system (through Fostering Connections Act) and who is also in the juvenile or adult criminal justice system.
- Section 3 details the duties of the program coordinator
- Section 4 details the required yearly training that the Crossover program will provide to its own staff, as well as mandating training for public defenders, district attorneys, the office of family representation, and judicial officers assigned to children’s court.
- Section 5 discussed the necessary intra-agency collaboration with “the public education department, the department of health, the health care authority and any other appropriate departments and agencies.”
- Section 6 details the basic rights of the crossover youth, including the right to visit siblings unless that would be contrary to the sibling’s safety or wellbeing, and the right to visitation for a parent guardian, or custodian of the youth unless that would be against the best interest of the youth.
- Section 7 amends § 32A-2-3 (a definition section of the Delinquency Act) by adding the term and definition of “crossover youth.”
- Section 8 amends § 32A-2-7(C) (the Complaint, Referral, Preliminary Inquiry, etc. section of the Delinquency Act) to provide for a crossover youth’s parent, guardian, or custodian, attorney and guardian ad litem, and the protective services division to be given reasonable notice of any preliminary inquiry of the youth.
- Section 9 amends § 32A-2-24 (the Probation Revocation – Disposition section of the

Delinquency Act) adding subsection C which provides for a specific procedure to be followed in probation revocation proceedings of a crossover youth. When the State seeks to revoke probation, under this section, it must file a statement with the juvenile justice division of the department detailing reasonable efforts that were taken to help the youth successfully complete probation.

- Section 10 provides for the appropriation of \$100,000 for the creation of the crossover youth department in CYFD.

FISCAL IMPLICATIONS

SB 428 would create a rehabilitative process for at risk youth. The proposed statutory scheme would create a mandatory training requirement for LOPD attorneys and contractors, but LOPD already provides in-house trainings throughout the year, and could likely comply without any additional fiscal burden. Amendments to the Delinquency Act incorporates new protocols in certain aspects of LOPD representation. However, emphasis on rehabilitating our youth would likely reduce recidivism. In particular, the probation revocation amendment described in Section 9 would likely reduce revocation rates by first requiring reasonable steps to help the youth successfully complete probation. Although creating the Crossover Youth program carries its own costs, this bill would likely save money in the courts, the DA's office, LOPD, and Corrections.

SIGNIFICANT ISSUES

LOPD would continue to represent these juveniles with or without the passing of this bill. This bill embodies juvenile justice best practices, by providing support toward rehabilitation, rather than emphasizing punishment. New Mexico has long recognized that, when it comes to criminal conduct, children are different. *See State v. Jones*, 2010-NMSC-012, ¶ 10, 148 N.M. 1 (“We interpret this legislative history as evidence of an evolving concern that children be treated as children so long as they can benefit from the treatment and rehabilitation provided for in the Delinquency Act.”) Moreover, children who grow up experiencing neglect and trauma more likely to become involved in the delinquency system. These children are in need of *services* and – as a general rule – the delinquency system should recognize their unique needs and offer more protective, rehabilitative treatment, rather than punitive consequences for misbehavior. Rooting that treatment in a deeper understanding of crossover youth will further those interests.

PERFORMANCE IMPLICATIONS

Although SB 428 appropriates \$100,000, it is likely that it will cost more to run this department, however, it would save the State of New Mexico money in the long run.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

TECHNICAL ISSUES

Although SB 428 appropriates \$100,000, it is likely that it will cost more to run this department.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

Status Quo.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None noted.