

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 255

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

AN ACT

RELATING TO CHILDREN; AMENDING THE DEFINITION OF "YOUTHFUL  
OFFENDER" TO INCLUDE VOLUNTARY MANSLAUGHTER; EXTENDING THE TIME  
PERIOD FOR SUPERVISED RELEASE; PROVIDING FOR THE ISSUANCE OF A  
WARRANT AND A TOLL OF TIME OF SUPERVISED RELEASE FOR A  
DELINQUENT CHILD WHO HAS ABSCONDED FROM THE SUPERVISED RELEASE  
TERM; RENAMING THE "JUVENILE COMMUNITY CORRECTIONS ACT" TO THE  
"JUVENILE COMMUNITY CONNECTIONS ACT"; AMENDING THE JUVENILE  
COMMUNITY CONNECTIONS ACT; RENAMING THE "JUVENILE COMMUNITY  
CORRECTIONS GRANT FUND" TO THE "JUVENILE COMMUNITY CONNECTIONS  
GRANT FUND"; PROVIDING THAT MONEY IN THE JUVENILE COMMUNITY  
CONNECTIONS GRANT FUND SHALL BE USED TO OPERATE PROGRAMS THAT  
PROVIDE SERVICES FOR ADJUDICATED DELINQUENTS, CHILDREN OR  
YOUTH; ESTABLISHING A LOCAL PANEL TO DETERMINE THE NEXT STEPS  
OF A DELINQUENT CHILD SENTENCED TO A JUVENILE FACILITY;  
PROVIDING FOR CONSIDERATION OF AVAILABLE SERVICES AND PROGRAMS

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1 FOR THE WELL-BEING OF THE DELINQUENT CHILD; CREATING THE  
2 MONETARY STIPEND PROJECT AS A THREE-YEAR PILOT PROJECT TO  
3 PROVIDE MONTHLY ASSISTANCE PAYMENTS TO DEMONSTRATE THAT A  
4 MONETARY STIPEND FOR BASIC COST-OF-LIVING EXPENSES IMPROVES  
5 EDUCATIONAL, EMPLOYMENT AND HEALTH CARE OUTCOMES FOR ADULTS WHO  
6 ARE FORMER FOSTER OR DELINQUENT CHILDREN; PROVIDING FOR PROGRAM  
7 ELIGIBILITY, PROGRAM TERMS AND REPORTING REQUIREMENTS.

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 SECTION 1. Section 32A-2-3 NMSA 1978 (being Laws 1993,  
11 Chapter 77, Section 32, as amended) is amended to read:

12 "32A-2-3. DEFINITIONS.--As used in the Delinquency Act:

13 A. "delinquent act" means an act committed by a  
14 child that would be designated as a crime under the law if  
15 committed by an adult, not including a violation of Section  
16 30-9-2 NMSA 1978, including the following offenses:

17 (1) any of the following offenses pursuant to  
18 municipal traffic codes or the Motor Vehicle Code:

19 (a) driving while under the influence of  
20 intoxicating liquor or drugs;

21 (b) failure to stop in the event of an  
22 accident causing death, personal injury or damage to property;

23 (c) unlawful taking of a vehicle or  
24 motor vehicle;

25 (d) receiving or transferring of a

1 stolen vehicle or motor vehicle;

2 (e) homicide by vehicle;

3 (f) injuring or tampering with a  
4 vehicle;

5 (g) altering or changing of an engine  
6 number or other vehicle identification numbers;

7 (h) altering or forging of a driver's  
8 license or permit or any making of a fictitious license or  
9 permit;

10 (i) reckless driving;

11 (j) driving with a suspended or revoked  
12 license; or

13 (k) an offense punishable as a felony;

14 (2) buying, attempting to buy, receiving,  
15 possessing or being served any alcoholic liquor or being  
16 present in a licensed liquor establishment, other than a  
17 restaurant or a licensed retail liquor establishment, except in  
18 the presence of the child's parent, guardian, custodian or  
19 adult spouse. As used in this paragraph, "restaurant" means an  
20 establishment where meals are prepared and served primarily for  
21 on-premises consumption and that has a dining room, a kitchen  
22 and the employees necessary for preparing, cooking and serving  
23 meals. "Restaurant" does not include an establishment, as  
24 defined in regulations promulgated by the director of the  
25 special investigations unit of the department of public safety,

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1 that serves only hamburgers, sandwiches, salads and other fast  
2 foods;

3 (3) a violation of Section 30-29-2 NMSA 1978,  
4 regarding the illegal use of a glue, aerosol spray product or  
5 other chemical substance;

6 (4) a violation of the Controlled Substances  
7 Act;

8 (5) escape from the custody of a law  
9 enforcement officer or a juvenile probation or parole officer  
10 or from any placement made by the department by a child who has  
11 been adjudicated a delinquent child;

12 (6) a violation of Section 30-15-1.1 NMSA 1978  
13 regarding unauthorized graffiti on personal or real property;

14 (7) a violation of an order of protection  
15 issued pursuant to the provisions of the Family Violence  
16 Protection Act; or

17 (8) trafficking cannabis as provided in  
18 Section 26-2C-28 NMSA 1978;

19 B. "delinquent child" means a child who has  
20 committed a delinquent act;

21 C. "delinquent offender" means a delinquent child  
22 who is subject to juvenile sanctions only and who is not a  
23 youthful offender or a serious youthful offender;

24 D. "detention facility" means a place where a child  
25 may be detained under the Children's Code pending a court

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1 hearing and does not include a facility for the care and  
2 rehabilitation of an adjudicated delinquent child;

3 E. "felony" means an act that would be a felony if  
4 committed by an adult;

5 F. "misdemeanor" means an act that would be a  
6 misdemeanor or petty misdemeanor if committed by an adult;

7 G. "restitution" means financial reimbursement by  
8 the child to the victim or community service imposed by the  
9 court and is limited to easily ascertainable damages for injury  
10 to or loss of property, actual expenses incurred for medical,  
11 psychiatric and psychological treatment for injury to a person  
12 and lost wages resulting from physical injury, which are a  
13 direct and proximate result of a delinquent act. "Restitution"  
14 does not include reimbursement for damages for mental anguish,  
15 pain and suffering or other intangible losses. As used in this  
16 subsection, "victim" means a person who is injured or suffers  
17 damage of any kind by an act that is the subject of a complaint  
18 or referral to law enforcement officers or juvenile probation  
19 authorities. Nothing contained in this definition limits or  
20 replaces the provisions of Subsections A and B of Section  
21 32A-2-27 NMSA 1978;

22 H. "serious youthful offender" means an individual  
23 fifteen to eighteen years of age who is charged with and  
24 indicted or bound over for trial for first degree murder. A  
25 "serious youthful offender" is not a delinquent child as

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1 defined pursuant to the provisions of this section;

2 I. "supervised release" means the release of a  
3 juvenile, whose term of commitment has not expired, from a  
4 facility for the care and rehabilitation of adjudicated  
5 delinquent children, with specified conditions to protect  
6 public safety and promote successful transition and  
7 reintegration into the community. A juvenile on supervised  
8 release is subject to monitoring by the department until the  
9 term of commitment has expired and may be returned to custody  
10 for violating conditions of release; and

11 J. "youthful offender" means a delinquent child  
12 subject to adult or juvenile sanctions who is:

13 (1) fourteen to eighteen years of age at the  
14 time of the offense and who is adjudicated for at least one of  
15 the following offenses:

16 (a) second degree murder, as provided in  
17 Section 30-2-1 NMSA 1978;

18 (b) assault with intent to commit a  
19 violent felony, as provided in Section 30-3-3 NMSA 1978;

20 (c) kidnapping, as provided in Section  
21 30-4-1 NMSA 1978;

22 (d) aggravated battery, as provided in  
23 Subsection C of Section 30-3-5 NMSA 1978;

24 (e) aggravated battery against a  
25 household member, as provided in Subsection C of Section

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1 30-3-16 NMSA 1978;

2 (f) aggravated battery upon a peace  
3 officer, as provided in Subsection C of Section 30-22-25 NMSA  
4 1978;

5 (g) shooting at a dwelling or occupied  
6 building or shooting at or from a motor vehicle, as provided in  
7 Section 30-3-8 NMSA 1978;

8 (h) dangerous use of explosives, as  
9 provided in Section 30-7-5 NMSA 1978;

10 (i) criminal sexual penetration, as  
11 provided in Section 30-9-11 NMSA 1978;

12 (j) robbery, as provided in Section  
13 30-16-2 NMSA 1978;

14 (k) aggravated burglary, as provided in  
15 Section 30-16-4 NMSA 1978;

16 (l) aggravated arson, as provided in  
17 Section 30-17-6 NMSA 1978; ~~or~~

18 (m) abuse of a child that results in  
19 great bodily harm or death to the child, as provided in Section  
20 30-6-1 NMSA 1978; or

21 (n) voluntary manslaughter, as provided  
22 in Subsection A of Section 30-2-3 NMSA 1978;

23 (2) fourteen to eighteen years of age at the  
24 time of the offense, who is adjudicated for any felony offense  
25 and who has had three prior, separate felony adjudications

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1 within a three-year time period immediately preceding the  
2 instant offense. The felony adjudications relied upon as prior  
3 adjudications shall not have arisen out of the same transaction  
4 or occurrence or series of events related in time and location.  
5 Successful completion of consent decrees is not considered a  
6 prior adjudication for the purposes of this paragraph; or

7 (3) fourteen years of age and who is  
8 adjudicated for first degree murder, as provided in Section  
9 30-2-1 NMSA 1978."

10 SECTION 2. Section 32A-2-19 NMSA 1978 (being Laws 1993,  
11 Chapter 77, Section 48, as amended) is amended to read:

12 "32A-2-19. DISPOSITION OF AN ADJUDICATED DELINQUENT  
13 OFFENDER.--

14 A. At the conclusion of the dispositional hearing,  
15 the court may make and include in the dispositional judgment  
16 its findings on the following:

17 (1) the interaction and interrelationship of  
18 the child with the child's parents and siblings and any other  
19 person who may significantly affect the child's best interests;

20 (2) the child's adjustment to the child's  
21 home, school and community;

22 (3) the mental and physical health of all  
23 individuals involved, including consideration of such factors  
24 as the child's brain development, maturity, trauma history and  
25 disability;

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1 (4) the wishes of the child as to the child's  
2 custodian;

3 (5) the wishes of the child's parents as to  
4 the child's custody;

5 (6) whether there exists a relative of the  
6 child or other individual who, after study by the department,  
7 is found to be qualified to receive and care for the child;

8 (7) the availability of services recommended  
9 in the predisposition report; and

10 (8) the ability of the parents to care for the  
11 child in the home.

12 B. If a child is found to be delinquent, the court  
13 may enter its judgment making any of the following dispositions  
14 for the supervision, care and rehabilitation of the child:

15 (1) transfer legal custody to the department,  
16 an agency responsible for the care and rehabilitation of  
17 delinquent children, which shall receive the child at a  
18 facility designated by the secretary of the department as a  
19 juvenile reception facility. The department shall thereafter  
20 determine the appropriate placement, supervision and  
21 rehabilitation program for the child. The judge may include  
22 recommendations for placement of the child. Commitments are  
23 subject to limitations and modifications set forth in Section  
24 32A-2-23 NMSA 1978. The types of commitments include:

25 (a) a short-term commitment of ~~[one~~

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1 ~~year]~~ fifteen months in a facility for the care and  
2 rehabilitation of adjudicated delinquent children. No more  
3 than nine months shall be served at the facility and no less  
4 than ~~[ninety days]~~ six months shall be served on supervised  
5 release, unless: 1) a petition to extend the commitment has  
6 been filed prior to the commencement of supervised release; 2)  
7 the commitment has been extended pursuant to Section 32A-2-23  
8 NMSA 1978; or 3) supervised release is revoked pursuant to  
9 Section 32A-2-25 NMSA 1978;

10 (b) a long-term commitment for no more  
11 than ~~[two years]~~ twenty-seven months in a facility for the care  
12 and rehabilitation of adjudicated delinquent children. No more  
13 than twenty-one months shall be served at the facility and no  
14 less than ~~[ninety days]~~ six months shall be served on  
15 supervised release, unless: 1) supervised release is revoked  
16 pursuant to Section 32A-2-25 NMSA 1978; or 2) the commitment is  
17 extended pursuant to Section 32A-2-23 NMSA 1978;

18 (c) if the child is a delinquent  
19 offender who committed one of the criminal offenses set forth  
20 in Subsection J of Section 32A-2-3 NMSA 1978, a commitment to  
21 age twenty-one, unless sooner discharged; or

22 (d) if the child is a youthful offender,  
23 a commitment to age twenty-one, unless sooner discharged;

24 (2) place the child on probation under those  
25 conditions and limitations as the court may prescribe;

1 (3) place the child in a local detention  
2 facility that has been certified in accordance with the  
3 provisions of Section 32A-2-4 NMSA 1978 for a period not to  
4 exceed fifteen days within a three hundred sixty-five day time  
5 period; or if a child is found to be delinquent solely on the  
6 basis of Paragraph (3) of Subsection A of Section 32A-2-3 NMSA  
7 1978, the court shall only enter a judgment placing the child  
8 on probation or ordering restitution or both; or

9 (4) if a child is found to be delinquent  
10 solely on the basis of Paragraph (2), (3) or (4) of Subsection  
11 A of Section 32A-2-3 NMSA 1978, the court may make any  
12 disposition provided by this section and may enter its judgment  
13 placing the child on probation and, as a condition of  
14 probation, transfer custody of the child to the department for  
15 a period not to exceed six months without further order of the  
16 court; provided that this transfer shall not be made unless the  
17 court first determines that the department is able to provide  
18 or contract for adequate and appropriate treatment for the  
19 child and that the treatment is likely to be beneficial.

20 C. When the child is an Indian child, the Indian  
21 child's cultural needs shall be considered in the dispositional  
22 judgment and reasonable access to cultural practices and  
23 traditional treatment shall be provided.

24 D. A child found to be delinquent shall not be  
25 committed or transferred to a penal institution or other

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1 facility used for the execution of sentences of persons  
2 convicted of crimes.

3 E. Whenever the court vests legal custody in an  
4 agency, institution or department, it shall transmit with the  
5 dispositional judgment copies of the clinical reports,  
6 predisposition study and report and other information it has  
7 pertinent to the care and treatment of the child.

8 F. Prior to any child being placed in the custody  
9 of the department, the department shall be provided with  
10 reasonable oral or written notification and an opportunity to  
11 be heard.

12 G. In addition to any other disposition pursuant to  
13 Subsection B of this section, the court may make an abuse or  
14 neglect report for investigation and proceedings as provided  
15 for in the Abuse and Neglect Act. The report may be made to a  
16 local law enforcement agency, the department or a tribal law  
17 enforcement or social service agency for an Indian child  
18 residing in Indian country.

19 H. In addition to any other disposition pursuant to  
20 this section or any other penalty provided by law, if a child  
21 who is fifteen years of age or older is adjudicated delinquent  
22 on the basis of Paragraph (2), (3) or (4) of Subsection A of  
23 Section 32A-2-3 NMSA 1978, the child's driving privileges may  
24 be denied or the child's driver's license may be revoked for a  
25 period of ninety days. For a second or a subsequent

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1 adjudication, the child's driving privileges may be denied or  
2 the child's driver's license revoked for a period of one year.  
3 Within twenty-four hours of the dispositional judgment, the  
4 court may send to the motor vehicle division of the taxation  
5 and revenue department the order adjudicating delinquency.  
6 Upon receipt of an order from the court adjudicating  
7 delinquency, the director of the motor vehicle division of the  
8 taxation and revenue department may revoke or deny the  
9 delinquent's driver's license or driving privileges. Nothing  
10 in this section may prohibit the delinquent from applying for a  
11 limited driving privilege pursuant to Section 66-5-35 NMSA 1978  
12 or an ignition interlock license pursuant to the Ignition  
13 Interlock Licensing Act, and nothing in this section precludes  
14 the delinquent's participation in an appropriate educational,  
15 counseling or rehabilitation program.

16 I. In addition to any other disposition pursuant to  
17 this section or any other penalty provided by law, when a child  
18 is adjudicated delinquent on the basis of Paragraph (6) of  
19 Subsection A of Section 32A-2-3 NMSA 1978, the child shall  
20 perform the mandatory community service set forth in Section  
21 30-15-1.1 NMSA 1978. When a child fails to completely perform  
22 the mandatory community service, the name and address of the  
23 child's parent or legal guardian shall be published in a  
24 newspaper of general circulation, accompanied by a notice that  
25 the parent or legal guardian is the parent or legal guardian of

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1 a child adjudicated delinquent for committing graffiti."

2 SECTION 3. Section 32A-2-25 NMSA 1978 (being Laws 1993,  
3 Chapter 77, Section 54, as amended) is amended to read:

4 "32A-2-25. PAROLE REVOCATION--ABSCONDING FROM SUPERVISED  
5 RELEASE--PROCEDURES.--

6 A. A child on parole from an agency that has legal  
7 custody who violates a term of parole may be proceeded against  
8 in a parole revocation proceeding conducted by the department  
9 or the supervising agency or by a hearing officer contracted by  
10 the department who is neutral to the child and the agency in  
11 accordance with procedures established by the department in  
12 cooperation with the juvenile parole board. A juvenile  
13 probation and parole officer may detain a child on parole  
14 status who is alleged to have violated a term or condition of  
15 parole until the completion and review of a preliminary parole  
16 revocation hearing. A child may waive the right to a  
17 preliminary parole revocation hearing after consultation with  
18 the child's attorney, parent, guardian or custodian.

19 B. If a retake warrant is issued by the department  
20 upon the completion of the preliminary parole revocation  
21 hearing, the juvenile institution to which the warrant is  
22 issued shall promptly transport the child to that institution  
23 at the expense of the department. If a child absconds from  
24 parole supervision and is apprehended in another state after  
25 the issuance of a retake warrant by the department, the

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1 juvenile justice division of the department shall cause the  
2 return of the child to this state at the expense of the  
3 department.

4 C. The issuance of a warrant upon an allegation  
5 that the child has absconded from supervised release shall toll  
6 the supervised release period. After a hearing upon return or  
7 quashing of the warrant, if the court finds the child knowingly  
8 and willfully absconded from supervised release, the time from  
9 the date of the violation to the date of the child's arrest or  
10 quashing of the warrant shall not be counted as time served on  
11 supervised release and the tolled time shall be added to the  
12 supervised release term."

13 SECTION 4. Section 33-9A-1 NMSA 1978 (being Laws 1988,  
14 Chapter 101, Section 39, as amended) is amended to read:

15 "33-9A-1. SHORT TITLE.--Chapter 33, Article 9A NMSA 1978  
16 may be cited as the "Juvenile Community [~~Corrections~~]  
17 Connections Act"."

18 SECTION 5. Section 33-9A-2 NMSA 1978 (being Laws 1988,  
19 Chapter 101, Section 40, as amended) is amended to read:

20 "33-9A-2. DEFINITIONS.--As used in the Juvenile Community  
21 [~~Corrections~~] Connections Act:

22 A. "child" means a person who is less than eighteen  
23 years old;

24 [~~A.~~] B. "delinquent child" means a child who has  
25 been adjudicated for a delinquent act pursuant to the

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1 Children's Code;

2           ~~[B.]~~ C. "department" means the children, youth and  
3 families department;

4           ~~[C.]~~ D. "fund" means the juvenile community  
5 ~~[corrections]~~ connections grant fund;

6           ~~[D.]~~ E. "secretary" means the secretary of  
7 children, youth and families; ~~[and~~

8           ~~E.]~~ F. "volunteer services" means services provided  
9 by individuals or organizations without compensation,  
10 reimbursement or award of any type;

11           G. "youth" means a person who is eighteen years or  
12 older but less than twenty-six years old; and

13           H. "youthful offender" means a youthful offender as  
14 defined by Subsection J of Section 32A-2-3 NMSA 1978 who is  
15 subject to juvenile sanctions and does not include a delinquent  
16 child subject to adult sanctions."

17           SECTION 6. Section 33-9A-3 NMSA 1978 (being Laws 1988,  
18 Chapter 101, Section 41, as amended) is amended to read:

19           "33-9A-3. JUVENILE COMMUNITY ~~[CORRECTIONS]~~ CONNECTIONS  
20 GRANT FUND CREATED--PURPOSE--ADMINISTRATION--REPORT.--

21           A. There is created in the state treasury the  
22 "juvenile community ~~[corrections]~~ connections grant fund" to be  
23 administered by the department. All balances in the fund are  
24 appropriated to the department to carry out the purposes of the  
25 fund, and no money shall be transferred to another fund or be

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1 encumbered or disbursed in any manner except as provided in the  
2 Juvenile Community [~~Corrections~~] Connections Act.

3 Disbursements from the fund shall be made only upon warrant  
4 drawn by the secretary of finance and administration pursuant  
5 to vouchers signed by the secretary of children, youth and  
6 families.

7 B. Money in the fund shall be used by the  
8 department to make grants to counties, municipalities or  
9 private organizations, individually or jointly, to provide  
10 community [~~corrections~~] programs and services for the diversion  
11 of [~~adjudicated delinquents~~] delinquent children or youthful  
12 offenders subject to juvenile sanctions or children or youth  
13 referred by the department to community-based settings. No  
14 grant shall be made to a private organization that is not a  
15 nonprofit organization without the approval of the secretary.  
16 The department [~~may~~] shall also use money in the fund to  
17 contract directly for or operate [~~juvenile community~~  
18 ~~corrections~~] programs that provide services for delinquent  
19 children or youthful offenders subject to juvenile sanctions or  
20 children or youth referred by the department.

21 C. No more than [~~ten~~] twelve percent of the money  
22 in the fund shall be used by the department for administration  
23 and program monitoring by the department. No more than [~~ten~~]  
24 twelve percent of any grant from the fund shall be used for  
25 administrative costs incurred by the grantee.

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1           D. After notice and public hearing as required by  
2 law, the secretary shall adopt [~~regulations~~] rules that provide  
3 standards for qualifications for grants, priorities for  
4 awarding of grants and other standards regarding [~~juvenile~~  
5 ~~community corrections~~] programs [~~deemed necessary~~] that provide  
6 services for delinquent children or youthful offenders subject  
7 to juvenile sanctions or children or youth referred by the  
8 department. The department shall review and approve or  
9 disapprove all applications submitted pursuant to the Juvenile  
10 Community [~~Corrections~~] Connections Act for a grant of funds  
11 from the fund.

12           E. The department shall submit an annual report to  
13 the governor and legislature not later than December 15  
14 providing information on grant awards, program effectiveness  
15 and monitoring efforts and making recommendations as necessary  
16 to carry out the purpose of the fund.

17           F. The department may accept donations, payments,  
18 contributions, gifts or grants from whatever source for the  
19 benefit of the fund."

20           SECTION 7. Section 33-9A-4 NMSA 1978 (being Laws 1988,  
21 Chapter 101, Section 42, as amended) is amended to read:

22           "33-9A-4. APPLICATIONS--CRITERIA.--

23           A. Counties, municipalities or private  
24 organizations, individually or jointly, may apply for grants  
25 from the fund, including grants for counties or municipalities

1 to purchase contractual services from private organizations;  
2 provided that:

3 (1) the application is for funding a program  
4 ~~[with priority use being for delinquents selected pursuant to~~  
5 ~~the provisions of Section 33-9A-5 NMSA 1978]~~ that provides  
6 prevention, intervention or diversion services to delinquent  
7 children or youthful offenders subject to juvenile sanctions or  
8 children or youth referred by the department;

9 (2) the applicant certifies that ~~[it]~~ the  
10 applicant is willing and able to operate the program according  
11 to standards provided by the department, which may include the  
12 negotiation of a ~~[contract]~~ program agreement or service  
13 agreement between the ~~[delinquent]~~ child or youth and program  
14 staff with provisions such as deductions from employment income  
15 for applicable victim restitution, family support, room and  
16 board, savings and weekly allowance. In addition to monetary  
17 restitution, to the extent practical, or if monetary  
18 restitution is not applicable, the ~~[contract]~~ program agreement  
19 or service agreement may include provision for community  
20 service restitution for a specific number of hours;

21 (3) the applicant demonstrates the support of  
22 key components of ~~[the criminal justice system]~~ prevention,  
23 intervention and diversion;

24 (4) the applicant, if a private organization,  
25 demonstrates the support of the county and municipality where

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1 the program will provide services;

2 (5) the applicant certifies that it will  
3 utilize volunteer services as an integral portion of the  
4 program to the maximum extent feasible; and

5 (6) no class A county alone or in conjunction  
6 with any municipality within a class A county shall receive  
7 more than forty-nine percent of any money appropriated to the  
8 fund.

9 B. Applications for funding shall be given priority  
10 based upon subject matter, as follows:

11 (1) applications for funding programs focused  
12 on decreasing violence, gun violence, alcohol and substance  
13 abuse, gang activity, criminal mentality, trauma, anger  
14 management and improving mental health shall be given first  
15 priority;

16 (2) applications for funding programs focused  
17 on education, literacy, financial literacy, job training,  
18 apprenticeships, food justice and housing shall be given second  
19 priority; and

20 (3) applications for funding programs focused  
21 on arts, performing arts, sports, music, debate and leadership  
22 shall be given third priority.

23 ~~[B.]~~ C. Notwithstanding the provisions of  
24 Subsection A of this section, the department ~~[may]~~ shall  
25 utilize the fund to place individuals eligible, or within

1 twelve months of eligibility, for ~~[parole]~~ supervised release  
2 in community-based settings. The department shall evaluate the  
3 totality of the circumstances unique to the eligible individual  
4 to determine what available services are most likely to support  
5 the individual while on supervised release and may, in its  
6 discretion, require participation ~~[by a delinquent]~~ in a  
7 program as a condition of supervised release.

8 ~~[G.]~~ D. The department may utilize not more than  
9 twenty-five percent of the fund ~~[to contract directly for~~  
10 ~~community corrections programs]~~ for a program agreement or  
11 service agreement that provides services for delinquent  
12 children or youthful offenders subject to juvenile sanctions or  
13 children or youth referred by the department or to establish  
14 programs operated by the department; provided, however, that  
15 the department may utilize up to an additional ten percent of  
16 the fund to operate ~~[juvenile community corrections]~~ programs  
17 that provide services for delinquent children or youthful  
18 offenders subject to juvenile sanctions or children or youth  
19 referred by the department if, after a reasonable effort to  
20 solicit proposals, there are no satisfactory proposals from a  
21 community where it is determined that a program is necessary or  
22 if it becomes necessary to cancel a program as provided in the  
23 contract.

24 ~~[D.]~~ E. The department shall establish additional  
25 guidelines for allocation of funds under the Juvenile Community

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1 ~~[Corrections]~~ Connections Act. An applicant shall retain the  
2 authority to accept or reject the placement of ~~[any delinquent]~~  
3 a child or youth in a program."

4 SECTION 8. Section 33-9A-5 NMSA 1978 (being Laws 1988,  
5 Chapter 101, Section 43, as amended) is amended to read:

6 "33-9A-5. SELECTION PANELS.--

7 A. ~~[The department shall establish a state panel]~~ A  
8 county, municipality or private organization, individually or  
9 jointly, may establish a local panel whose duties shall be to  
10 immediately screen and identify delinquents sentenced to a  
11 juvenile ~~[correctional]~~ facility of the department and  
12 transferred to the legal custody of the department. ~~[except~~  
13 ~~individuals who are sentenced or transferred from a judicial~~  
14 ~~district that has established a local panel to exercise these~~  
15 ~~duties pursuant to the provisions of this section and who meet~~  
16 ~~the following criteria:~~

17 (1) ~~the offense involved is one for which~~  
18 ~~community service or reasonable restitution may be made using a~~  
19 ~~payment schedule compatible with the total amount of~~  
20 ~~restitution to be paid and the time the offender is to~~  
21 ~~participate in a program; and~~

22 (2) ~~the child is willing to enter into a~~  
23 ~~contract that establishes objectives that shall be achieved~~  
24 ~~before release from the program]~~ The composition of a local  
25 panel shall include representatives from the judiciary, the

1 public defender department or the public defender department's  
2 designee, the district attorney or the district attorney's  
3 designee, the local schools, the department, the county sheriff  
4 or the municipal police department, individuals representing  
5 local programs and private citizens.

6 B. The department may establish criteria [~~in~~  
7 ~~addition to those established in Subsection A of this section]~~  
8 for the screening of delinquents who would benefit from  
9 participation in a program and who would not pose a threat to  
10 the community.

11 C. If the [~~state~~] local panel determines that a  
12 child is suitable for placement in a program, a recommendation  
13 to that effect and for modification of disposition shall be  
14 presented as soon as possible to the sentencing judge or the  
15 department, which may, notwithstanding any provision of law,  
16 accept, modify or reject the recommendation. The determination  
17 shall be presented to the county, municipality or private  
18 nonprofit organization, as applicable, for approval or  
19 rejection.

20 [~~D. A county, municipality or private nonprofit~~  
21 ~~organization, individually or jointly, may establish a local~~  
22 ~~panel to exercise the duties and responsibilities of the state~~  
23 ~~panel pursuant to the provisions of Subsection A of this~~  
24 ~~section and, using the same criteria as the state panel, the~~  
25 ~~local panel may screen and identify delinquents. The~~

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1 ~~composition of a local panel shall include, to the maximum~~  
2 ~~extent possible, representatives of the judiciary, the~~  
3 ~~administrative office of the district attorneys, the public~~  
4 ~~defender department, the children, youth and families~~  
5 ~~department, the county sheriff or the municipal police~~  
6 ~~department, individuals representing local programs and private~~  
7 ~~citizens.]"~~

8 SECTION 9. Section 33-9A-6 NMSA 1978 (being Laws 1988,  
9 Chapter 101, Section 44) is amended to read:

10 "33-9A-6. SENTENCING--SERVICES AND PROGRAMS.--

11 A. In every case where the commitment to the  
12 authority of a child adjudicated delinquent is contemplated by  
13 a judge, a predisposition report shall be prepared containing  
14 the recommendation of the juvenile probation officer regarding  
15 a community corrections placement or a diagnostic evaluation  
16 shall be completed by the authority containing the  
17 recommendation of the authority regarding that placement and  
18 the judge shall consider that report or evaluation prior to  
19 making that commitment. A juvenile probation officer shall  
20 consult with the authority prior to making a recommendation  
21 pursuant to this subsection.

22 B. At a sentencing hearing, if a judge of a court  
23 of competent jurisdiction determines placement in community  
24 corrections is appropriate, [~~he~~] the judge shall defer or  
25 suspend the sentence and, as a condition of probation, require

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1 ~~[an individual]~~ the child to serve a period of time in a  
2 community corrections program. The judge shall consider  
3 whether the available services and program participation will  
4 support the child during probation. After considering the  
5 totality of the circumstances, the judge may order services or  
6 program participation as a condition of probation if such an  
7 order is likely to reduce recidivism, support the mental health  
8 of the child or encourage education, job training and financial  
9 literacy."

10 SECTION 10. Section 41-4-3 NMSA 1978 (being Laws 1976,  
11 Chapter 58, Section 3, as amended) is amended to read:

12 "41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

13 A. "board" means the risk management advisory  
14 board;

15 B. "governmental entity" means the state or any  
16 local public body as defined in Subsections C and H of this  
17 section;

18 C. "local public body" means all political  
19 subdivisions of the state and their agencies, instrumentalities  
20 and institutions and all water and natural gas associations  
21 organized pursuant to Chapter 3, Article 28 NMSA 1978;

22 D. "law enforcement officer" means a full-time  
23 salaried public employee of a governmental entity, or a  
24 certified part-time salaried police officer employed by a  
25 governmental entity, whose principal duties under law are to

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1 hold in custody any person accused of a criminal offense, to  
2 maintain public order or to make arrests for crimes, or members  
3 of the national guard when called to active duty by the  
4 governor;

5 E. "maintenance" does not include:

6 (1) conduct involved in the issuance of a  
7 permit, driver's license or other official authorization to use  
8 the roads or highways of the state in a particular manner; or

9 (2) an activity or event relating to a public  
10 building or public housing project that was not foreseeable;

11 F. "public employee" means an officer, employee or  
12 servant of a governmental entity, excluding independent  
13 contractors except for individuals defined in Paragraphs (7),  
14 (8), (10), (14) and (17) of this subsection, or of a  
15 corporation organized pursuant to the Educational Assistance  
16 Act, the Small Business Investment Act or the Mortgage Finance  
17 Authority Act or a licensed health care provider, who has no  
18 medical liability insurance, providing voluntary services as  
19 defined in Paragraph (16) of this subsection and including:

20 (1) elected or appointed officials;

21 (2) law enforcement officers;

22 (3) persons acting on behalf or in service of  
23 a governmental entity in any official capacity, whether with or  
24 without compensation;

25 (4) licensed foster parents providing care for

1 children in the custody of the [~~human services department,~~  
2 ~~corrections department or department of health~~] state, but not  
3 including foster parents certified by a licensed child  
4 placement agency;

5 (5) members of state or local selection panels  
6 established pursuant to the Adult Community Corrections Act;

7 (6) members of state or local selection panels  
8 established pursuant to the Juvenile Community [~~Corrections~~  
9 Connections] Act;

10 (7) licensed medical, psychological or dental  
11 arts practitioners providing services to the corrections  
12 department pursuant to contract;

13 (8) members of the board of directors of the  
14 New Mexico medical insurance pool;

15 (9) individuals who are members of medical  
16 review boards, committees or panels established by the  
17 educational retirement board or the retirement board of the  
18 public employees retirement association;

19 (10) licensed medical, psychological or dental  
20 arts practitioners providing services to the children, youth  
21 and families department pursuant to contract;

22 (11) members of the board of directors of the  
23 New Mexico educational assistance foundation;

24 (12) members of the board of directors of the  
25 New Mexico student loan guarantee corporation;

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1 (13) members of the New Mexico mortgage  
2 finance authority;

3 (14) volunteers, employees and board members  
4 of court-appointed special advocate programs;

5 (15) members of the board of directors of the  
6 small business investment corporation;

7 (16) health care providers licensed in New  
8 Mexico who render voluntary health care services without  
9 compensation in accordance with rules promulgated by the  
10 secretary of health. The rules shall include requirements for  
11 the types of locations at which the services are rendered, the  
12 allowed scope of practice and measures to ensure quality of  
13 care;

14 (17) an individual while participating in the  
15 state's adaptive driving program and only while using a  
16 special-use state vehicle for evaluation and training purposes  
17 in that program;

18 (18) the staff and members of the board of  
19 directors of the New Mexico health insurance exchange  
20 established pursuant to the New Mexico Health Insurance  
21 Exchange Act; and

22 (19) members of the insurance nominating  
23 committee;

24 G. "scope of duty" means performing any duties that  
25 a public employee is requested, required or authorized to

1 perform by the governmental entity, regardless of the time and  
2 place of performance; and

3 H. "state" or "state agency" means the state of New  
4 Mexico or any of its branches, agencies, departments, boards,  
5 instrumentalities or institutions."

6 SECTION 11. Section 41-13-2 NMSA 1978 (being Laws 1999,  
7 Chapter 268, Section 3) is amended to read:

8 "41-13-2. DEFINITIONS.--As used in the Governmental  
9 Immunity Act:

10 A. "employment" includes services provided by an  
11 immune contractor;

12 B. "governmental entity" means the state or a local  
13 public body;

14 C. "immune contractor" means a person that:

15 (1) is an independent contractor; ~~and~~

16 (2) contracts with a governmental entity to  
17 provide:

18 (a) care for children in the custody of  
19 the ~~[human services department, corrections department or~~  
20 ~~department of health]~~ state, as a licensed foster parent,  
21 excluding foster parents certified by a licensed child  
22 placement agency; or

23 (b) services to the children, youth and  
24 families department or the corrections department as a licensed  
25 medical, psychological or dental arts practitioner;

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1 (3) is a member of:

2 (a) a state or local selection panel  
3 established pursuant to the Juvenile Community [~~Corrections~~]  
4 Connections Act;

5 (b) a state or local selection panel  
6 established pursuant to the Adult Community Corrections Act;

7 (c) the board of directors of the New  
8 Mexico [~~comprehensive health~~] medical insurance pool;

9 (d) a medical review board, a committee  
10 or panel established by the educational retirement board or the  
11 retirement board of the public employees retirement  
12 association;

13 (e) the board of directors of the New  
14 Mexico educational assistance foundation; or

15 (f) the board of directors of the New  
16 Mexico student loan guarantee corporation; or

17 (4) is a volunteer, employee or board member  
18 of a court-created special advocate program;

19 D. "local public body" means a political  
20 subdivision of the state and its agencies, instrumentalities  
21 and institutions and a water and natural gas association  
22 organized pursuant to Chapter 3, Article 28 NMSA 1978;

23 E. "public employee" means a natural person that is  
24 an officer or employee of a governmental entity; and

25 F. "state" means the state of New Mexico or any of

1 its branches, agencies, departments, boards, instrumentalities  
2 or institutions."

3 SECTION 12. TEMPORARY PROVISION--PILOT--MONETARY STIPEND  
4 PROJECT--ELIGIBILITY--PROGRAM TERMS--REPORTING AND  
5 EVALUATION.--

6 A. The "monetary stipend project" is created as a  
7 three-year pilot project that provides monthly assistance  
8 payments to eligible adults and measures the effect of monetary  
9 stipends on socioeconomic outcomes. The purpose of the  
10 monetary stipend project is to demonstrate that a monetary  
11 stipend for basic cost-of-living expenses improves educational,  
12 employment and health care outcomes for adults who are former  
13 foster or delinquent children. The monetary stipend project  
14 shall be administered by the higher education department.

15 B. An eligible participant in the monetary stipend  
16 project shall be a New Mexico resident, United States citizen  
17 or lawful permanent resident and an adult who is less than  
18 twenty-six years of age and who is a former foster child, was  
19 adjudicated and incarcerated pursuant to the Delinquency Act or  
20 who participated in and aged out of the fostering connections  
21 program as provided in the Fostering Connections Act and is:

22 (1) enrolled in a post-secondary educational  
23 program;

24 (2) participating in an apprenticeship program  
25 or workforce development recognized by the workforce solutions

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1 department; or

2 (3) participating in a program or activity  
3 designed to promote employment or remove barriers to  
4 employment.

5 C. Subject to appropriation, the higher education  
6 department shall determine the amount of a monetary stipend in  
7 consultation with the health care authority. The amount of a  
8 monetary stipend shall be individualized for each participant  
9 and adjusted based on the participant's income and on other  
10 public assistance that the participant receives; provided that  
11 a monetary stipend shall not exceed two thousand dollars  
12 (\$2,000) per month. A monetary stipend may be expended on  
13 cost-of-living expenses, including housing expenses, as  
14 provided by rule.

15 D. The higher education department shall promulgate  
16 rules for the form and manner of the application, procedures  
17 and criteria for reviewing applications, the methodology for  
18 evaluating participants and other rules necessary to carry out  
19 the provisions of this section. If the higher education  
20 department determines that the federal Social Security Act  
21 requires waivers or authorizations from the United States in  
22 order to carry out the monetary stipend project, the department  
23 shall notify the health care authority, and the authority shall  
24 request such waivers or authorizations no later than December  
25 31, 2025.

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