

1 SENATE BILL 54

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; AMENDING DEFINITIONS; PROVIDING FOR
12 COURSES OF INSTRUCTION AND PRACTICAL TRAINING FOR A COUNTY
13 DETENTION OFFICER; COORDINATING REENTRY EFFORTS FOR A PERSON
14 RELEASED FROM PRISON; REQUIRING THE NEW MEXICO SENTENCING
15 COMMISSION TO CREATE A PUBLIC CRIME DATA DASHBOARD; EXPANDING
16 MEDICATION-ASSISTED TREATMENT PROGRAMS IN CORRECTIONAL
17 FACILITIES; REQUIRING CORRECTIONAL FACILITIES TO TRACK AND
18 REPORT DATA ON MEDICATION-ASSISTED TREATMENT; PROVIDING FOR THE
19 EXPANSION OF THE CRIMINAL JUSTICE WORKFORCE; PROVIDING FOR
20 TRAINING FOR INTERACTION WITH A PERSON IN CRISIS; PROVIDING
21 ELIGIBILITY REQUIREMENTS FOR PREPROSECUTION DIVERSION PROGRAMS;
22 PROVIDING FOR A JUDICIAL DISTRICT TO ESTABLISH A TREATMENT
23 COURT PROGRAM; PROVIDING FOR A MAGISTRATE, METROPOLITAN OR
24 DISTRICT COURT TO IMPOSE STANDARD PROBATION CONDITIONS TO
25 MAINTAIN PUBLIC SAFETY; ALLOWING FOR CRIME MAPPING TO UTILIZE

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1 CRIME DATA TO INTERRUPT OR DETER VIOLENCE; PROVIDING FOR
2 CONTINUING JUDICIAL EDUCATION ON SUBSTANCE USE DISORDER, MENTAL
3 HEALTH CONDITIONS AND CO-OCCURRING DISORDER; CREATING THE LAW
4 ENFORCEMENT DEFLECTION PROGRAM; ESTABLISHING A NONMEDICAL
5 INTERVENTION PLAN FOR TRANSFER FOR A PERSON IN CRISIS; CREATING
6 THE FORENSIC LABORATORY BUREAU FUND; CREATING THE JAIL REENTRY
7 FUND; CREATING THE CLINICAL SUPERVISION FUND; PROVIDING A
8 TEMPORARY PROVISION FOR THE STATEWIDE PLAN FOR A COMMUNITY-
9 BASED CRISIS TREATMENT SYSTEM; MAKING APPROPRIATIONS.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

12 SECTION 1. Section 9-3-5 NMSA 1978 (being Laws 1977,
13 Chapter 257, Section 6, as amended) is amended to read:

14 "9-3-5. SECRETARY--DUTIES AND GENERAL POWERS.--

15 A. The secretary of corrections is responsible to
16 the governor for the operation of the corrections department.
17 It is [~~his~~] the secretary's duty to manage all operations of
18 the department and to administer and enforce the laws with
19 which [~~he~~] the secretary or the department is charged.

20 B. To perform [~~his~~] the secretary's duties, the
21 secretary has every power expressly enumerated in the laws,
22 whether granted to the secretary of the department or any
23 division of the department, except where authority conferred
24 upon any division is explicitly exempted from the secretary's
25 authority by statute. In accordance with these provisions, the

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1 secretary shall:

2 (1) except as otherwise provided in the
3 Corrections Department Act, exercise general supervisory and
4 appointing authority over all department employees, subject to
5 any applicable personnel laws and ~~[regulations]~~ rules;

6 (2) delegate authority to subordinates as ~~[he]~~
7 the secretary deems necessary and appropriate, clearly
8 delineating such delegated authority and the limitations
9 thereto;

10 (3) organize the department into those
11 organizational units ~~[he]~~ the secretary deems will enable it to
12 function most efficiently, subject to any provisions of law
13 requiring or establishing specific organizational units;

14 (4) within the limitations of available
15 appropriations and applicable laws, employ and fix the
16 compensation of those persons necessary to discharge ~~[his]~~ the
17 secretary's duties, including incentive and stipend programs
18 for academy and specialty trainers;

19 (5) take administrative action by issuing
20 orders and instructions, not inconsistent with the law, to
21 assure implementation of and compliance with the provisions of
22 law for whose administration or execution ~~[he]~~ the secretary is
23 responsible and to enforce those orders and instructions by
24 appropriate administrative action or actions in the courts;

25 (6) conduct research and studies that will

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1 improve the operations of the department and the provision of
2 services to the [~~citizens~~] residents of the state;

3 (7) provide courses of instruction and
4 practical training for employees of the department, [~~and~~] other
5 persons involved in the administration of programs [~~with the~~
6 ~~objective of improving the operations and efficiency of~~
7 ~~administration~~] and a county detention officer;

8 (8) prepare an annual budget of the
9 department;

10 (9) provide cooperation, at the request of
11 heads of administratively attached agencies, in order to:

12 (a) minimize or eliminate duplication of
13 services and jurisdictional conflicts;

14 (b) coordinate activities and resolve
15 problems of mutual concern; and

16 (c) resolve by agreement the manner and
17 extent to which the department shall provide budgeting,
18 [~~record-keeping~~] recordkeeping and related clerical assistance
19 to administratively attached agencies;

20 (10) appoint, with the governor's consent, a
21 "director" for each division. These appointed positions are
22 exempt from the provisions of the Personnel Act. Persons
23 appointed to these positions shall serve at the pleasure of the
24 secretary;

25 (11) give bond as provided in the Surety Bond

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1 Act. The department shall pay the costs of the bonds; and

2 (12) require performance bonds of such
3 department employees and officers as ~~[he]~~ the secretary deems
4 necessary, as provided in the Surety Bond Act. The department
5 shall pay the costs of the bonds.

6 C. The secretary may apply for and receive, with
7 the governor's approval, in the name of the department any
8 public or private funds, including United States government
9 funds, available to the department to carry out its programs,
10 duties or services.

11 D. Where functions of departments overlap or a
12 function assigned to one department could better be performed
13 by another department, a secretary may recommend appropriate
14 legislation to the next session of the legislature for its
15 approval.

16 E. The secretary may make and adopt such reasonable
17 ~~[and]~~ procedural rules ~~[and regulations]~~ as may be necessary to
18 carry out the duties of the department and its divisions. No
19 rule ~~[or regulation]~~ promulgated by the director of any
20 division in carrying out the functions and duties of the
21 division shall be effective until approved by the secretary.
22 Unless otherwise provided by statute, no ~~[regulation]~~ rule
23 affecting any person or agency outside the department shall be
24 adopted, amended or repealed without a public hearing on the
25 proposed action before the secretary or a hearing officer

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1 designated by ~~[him]~~ the secretary. The public hearing shall be
2 held in Santa Fe unless otherwise permitted by statute. Notice
3 of the subject matter of the ~~[regulation]~~ rule, the action
4 proposed to be taken, the time and place of the hearing, the
5 manner in which interested persons may present their views and
6 the method by which copies of the proposed ~~[regulation]~~ rule or
7 proposed amendment or repeal of an existing ~~[regulation]~~ rule
8 may be obtained shall be published once at least thirty days
9 prior to the hearing date in a newspaper of general circulation
10 and mailed at least thirty days prior to the hearing date to
11 all persons who have made a written request for advance notice
12 of hearing. All rules ~~[and regulations]~~ shall be filed in
13 accordance with the State Rules Act.

14 F. Behavioral health services, including mental
15 health and substance abuse services, provided by the department
16 for persons under the department's supervision shall be in
17 compliance with the requirements of Section 9-7-6.4 NMSA 1978.
18 The corrections department shall enforce health care authority
19 orders and rules pertaining to behavioral health in
20 corrections."

21 SECTION 2. Section 9-3-10 NMSA 1978 (being Laws 1977,
22 Chapter 257, Section 11, as amended) is amended to read:

23 "9-3-10. NEW MEXICO SENTENCING COMMISSION--CREATION--
24 MEMBERSHIP--DUTIES.--

25 A. There is created the "New Mexico sentencing
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1 commission".

2 B. The New Mexico sentencing commission shall be
3 composed of twenty-seven members. Appointed members shall
4 serve at the pleasure of the appointing authority. The
5 commission shall reflect reasonable geographical and urban-
6 rural balances and regard for the incidence of crime and the
7 distribution and concentration of law enforcement services in
8 the state. The commission shall consist of the following
9 individuals or their designees:

- 10 (1) the attorney general;
- 11 (2) a district attorney appointed by the New
12 Mexico district attorney's association or its successor agency;
- 13 (3) the chief public defender;
- 14 (4) two district court judges, one of whom
15 shall be a children's court judge, appointed by the district
16 and metropolitan judges association or its successor agency;
- 17 (5) a magistrate judge appointed by the chief
18 justice of the supreme court;
- 19 (6) the dean of the university of New Mexico
20 school of law;
- 21 (7) the secretary of corrections;
- 22 (8) the secretary of public safety;
- 23 (9) the secretary of children, youth and
24 families;
- 25 (10) the secretary of public education;

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1 (11) a representative from the behavioral
2 health services division of the [~~human services department~~]
3 health care authority;

4 (12) a county sheriff appointed by the
5 executive director of the New Mexico association of counties;

6 (13) two public members appointed by the
7 governor, one of whom shall be designated as chair of the New
8 Mexico sentencing commission by the governor;

9 (14) three public members appointed by the
10 president pro tempore of the senate;

11 (15) one public member appointed by the
12 minority floor leader of the senate;

13 (16) three public members appointed by the
14 speaker of the house of representatives;

15 (17) one public member appointed by the
16 minority floor leader of the house of representatives;

17 (18) two public members appointed by the chief
18 justice of the supreme court;

19 (19) one public member who is Native American
20 and a practicing attorney, appointed by the president of the
21 state bar association; and

22 (20) one public member appointed by the
23 governor who is a representative of a New Mexico victims'
24 organization.

25 C. A majority of the members of the New Mexico

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1 sentencing commission constitutes a quorum for the transaction
2 of commission business.

3 D. The New Mexico sentencing commission shall:

4 (1) hold meetings at times and for periods as
5 the commission deems necessary;

6 (2) hire staff as needed to assist the
7 commission in the performance of its duties;

8 (3) prepare an annual budget;

9 (4) establish policies for the operation of
10 the commission and supervision of the activities of commission
11 staff;

12 (5) advise the executive, judicial and
13 legislative branches of government on policy matters relating
14 to criminal and juvenile justice;

15 (6) make recommendations to the legislature
16 concerning proposed changes to laws relating to the criminal
17 and juvenile justice systems that the commission determines
18 would improve those systems;

19 (7) annually assess, monitor and report to the
20 legislature on the impact of any enacted sentencing standards
21 and guidelines on state and local correctional resources and
22 programs and the need for further sentencing reform;

23 (8) when developing proposed sentencing
24 reform:

25 (a) study sentencing models in other

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1 jurisdictions;

2 (b) study the Criminal Sentencing Act,
3 the Criminal Code and all other New Mexico statutes relating to
4 criminal law, criminal sentencing, criminal procedure and
5 probation and parole;

6 (c) review past studies or reports
7 regarding proposed changes to the Children's Code, the Criminal
8 Code, the Criminal Sentencing Act or other New Mexico statutes
9 relating to criminal law, criminal sentencing, criminal
10 procedure or probation and parole;

11 (d) study past and current criminal
12 sentencing and release practices and create a statistical
13 database for simulating the impact of various sentencing
14 policies;

15 (e) study the full range of prison,
16 nonprison and intermediate sanctions;

17 (f) determine the principal purpose for
18 criminal sanctions;

19 (g) rank criminal offenses by degree of
20 seriousness;

21 (h) determine the role of criminal
22 history in making criminal sentencing decisions;

23 (i) define dispositional policy that
24 determines when adult felony offenders are confined in state
25 prisons and county jails or sentenced to nonprison and

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1 intermediate sanctions;

2 (j) establish the length of criminal
3 sentences;

4 (k) establish the appropriate use of
5 community service and fines;

6 (l) structure proposed sentencing
7 guidelines to ensure consistency in all aspects of criminal
8 sentencing policy;

9 (m) assess the impact of commission
10 recommendations to modify criminal sentencing policy on the
11 availability of and need for correctional resources and
12 programs;

13 (n) use the expertise of a national or
14 state organization with experience in sentencing reform; and

15 (o) present proposed legislation or
16 recommendations regarding sentencing reform to the appropriate
17 legislative interim committee;

18 (9) monitor any enacted sentencing guidelines
19 with respect to uniformity and proportionality;

20 (10) conduct research relating to the use and
21 effectiveness of any enacted guidelines, prosecution standards,
22 offense charging, plea bargaining, sentencing practices,
23 probation and parole practices and any other matters relating
24 to the criminal justice system;

25 (11) serve as a clearinghouse for the

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1 systematic collection, analysis and dissemination of
2 information relating to felony offense charges, plea
3 agreements, convictions, sentences imposed, incarceration time
4 actually served and actual and projected inmate population in
5 the state correctional system;

6 (12) review all proposed legislation that
7 creates a new criminal offense, changes the classification of
8 an offense or changes the range of punishments for an offense
9 and make recommendations to the legislature as to whether
10 proposed changes would improve the criminal and juvenile
11 justice system;

12 (13) contingent upon the availability of
13 funding, provide impact estimates, incorporating prison
14 population projections, on all proposed legislation that has
15 the potential to affect correctional resources;

16 (14) coordinate reentry efforts for persons
17 released from prison and detention centers, foster
18 collaboration and communications among stakeholder groups
19 working on reentry issues and establish minimum standards for
20 reentry, including pre-release assessments, behavioral and
21 physical health continuum of care, employment, housing and
22 basic needs;

23 [~~(14)~~] (15) create and maintain a data-sharing
24 network to receive, store, analyze and disseminate criminal
25 justice data for and between participating criminal justice and

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1 behavioral health agencies for the purpose of evaluating local
2 and statewide criminal justice systems and programs and
3 supporting, encouraging and accomplishing information sharing
4 among criminal justice agencies and criminal justice
5 coordinating councils;

6 (16) create a public crime data dashboard in
7 conjunction with the department of public safety pursuant to
8 Section 29-3-11 NMSA 1978, to be hosted on the website of the
9 New Mexico sentencing commission;

10 [~~(15)~~] (17) provide data analysis as requested
11 by criminal justice agencies and criminal justice coordinating
12 councils; and

13 [~~(16)~~] (18) promulgate rules governing the
14 data-sharing network, data dashboard and data analysis pursuant
15 to Paragraphs [~~(14)~~] (15), (16) and [~~(15)~~] (17) of this
16 subsection. The rules shall include procedures to:

17 (a) fulfill any requirements related to
18 data privacy, security and protection so that information
19 access and sharing [~~is~~] are permitted for authorized purposes,
20 as defined by law, court order or for business practices that
21 are a necessary component of the requesting agency's duties and
22 functions and [~~is~~] are compatible with the purpose and
23 expectations of use under which the information was collected;

24 (b) guide participating agencies to
25 ensure accuracy, completeness, currency and reliability of

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1 information reported to the data-sharing network and the data
2 dashboard;

3 (c) allow data querying and reporting
4 tools for those authorized users who want to perform
5 statistical analysis of some of the data collected and
6 retained;

7 (d) provide safeguards to actively
8 monitor and record: 1) access and use of the network's and the
9 data dashboard's services and systems; and 2) the nature of
10 information exchanges using the network and the data dashboard;
11 and

12 (e) identify and recognize authorized
13 users who access the network and the data dashboard.

14 E. The members of the New Mexico sentencing
15 commission shall be paid pursuant to the Per Diem and Mileage
16 Act and shall receive no other perquisite, compensation or
17 allowance.

18 F. The New Mexico sentencing commission is
19 administratively attached to the office of the governor."

20 SECTION 3. A new section of the Department of Public
21 Safety Act is enacted to read:

22 "[NEW MATERIAL] FORENSIC LABORATORY BUREAU FUND.--The
23 "forensic laboratory bureau fund" is created as a nonreverting
24 fund in the state treasury. The fund consists of
25 appropriations, gifts, grants and donations. The department

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1 shall administer the fund, and money in the fund is
2 appropriated to the department's forensic laboratory bureau to
3 expand operations, increase efficiency and reduce delays in
4 evidence processing. Disbursements from the fund shall be made
5 by warrant of the secretary of finance and administration
6 pursuant to vouchers signed by the secretary of public safety
7 or the secretary's authorized representative."

8 SECTION 4. Section 21-22D-6 NMSA 1978 (being Laws 1995,
9 Chapter 144, Section 21, as amended) is amended to read:

10 "21-22D-6. AWARD CRITERIA--CONTRACT TERMS--PAYMENT.--

11 A. Prior to receiving an award, the health
12 professional shall file with the higher education department a
13 declaration of intent to practice as a health professional in
14 areas of New Mexico designated as underserved by the
15 department. The department shall consult with the department
16 of health when designating areas as underserved.

17 B. Award criteria shall provide that:

18 (1) amounts shall be dependent upon the
19 location of the practice, the applicant's total health
20 professional education indebtedness and characteristics of the
21 practice;

22 (2) preference in making awards shall be to
23 individuals who have graduated from a New Mexico post-secondary
24 educational institution;

25 (3) recruitment awards shall be made to

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1 eligible participants who agree to relocate to an approved
2 designated area;

3 (4) highest priority shall be given to
4 participants in practices in which health profession vacancies
5 are difficult to fill, practices that require after hours call
6 at least every other night, ~~and~~ practices that have heavy
7 obstetrical responsibilities and practices that provide
8 behavioral health services to people who are incarcerated,
9 returned from incarceration or supervised by the corrections
10 department;

11 (5) award amounts may be modified based upon
12 available funding or other special circumstances; and

13 (6) an award shall not exceed the total
14 medical education indebtedness of any participant.

15 C. The following education debts are not eligible
16 for repayment pursuant to the Health Professional Loan
17 Repayment Act:

18 (1) amounts incurred as a result of
19 participation in state loan-for-service programs or other state
20 programs whose purpose states that service be provided in
21 exchange for financial assistance;

22 (2) scholarships that have a service component
23 or obligation;

24 (3) personal loans from friends or relatives;
25 and

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1 (4) loans that exceed individual standard
2 school expense levels.

3 D. The loan repayment award shall be evidenced by a
4 contract between the health professional and the department
5 acting on behalf of the state. The contract shall provide for
6 the payment by the state of a stated sum to the health
7 professional's debtors and shall state the obligations of the
8 health professional under the program, including a minimum
9 three-year period of service, quarterly reporting requirements
10 and other policies established by the department.

11 E. Recipients shall serve a complete year in order
12 to receive credit for that year. The minimum credit for a year
13 shall be established by the department.

14 F. If a health professional does not comply with
15 the terms of the contract, the department shall assess a
16 penalty of up to three times the amount of award disbursed plus
17 eighteen percent interest, unless the department finds
18 acceptable extenuating circumstances for why the health
19 professional cannot serve or comply with the terms of the
20 contract. If the department does not find acceptable
21 extenuating circumstances for the health professional's failure
22 to comply with the contract, the department shall require
23 immediate repayment plus the amount of the penalty.

24 G. The department shall adopt ~~[regulations]~~ rules
25 to implement the provisions of this section. The ~~[regulations]~~

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1 rules may provide for the disbursement of loan repayment awards
2 to the lenders of health professionals in annual or other
3 periodic installments."

4 SECTION 5. Section 21-22F-5 NMSA 1978 (being Laws 2005,
5 Chapter 83, Section 5, as amended) is amended to read:

6 "21-22F-5. LOAN REPAYMENT PROGRAM--PARTICIPANT
7 ELIGIBILITY--AWARD CRITERIA.--

8 A. An applicant shall be licensed to practice in
9 New Mexico as an attorney and shall declare an intent to
10 practice as an attorney in public service employment.

11 B. Prior to submitting an application to the public
12 service law loan repayment program, an applicant shall apply to
13 all available legal education loan repayment programs offered
14 by the applicant's law school for which the applicant
15 qualifies.

16 C. Prior to receiving a loan repayment award, the
17 applicant shall file with the department:

18 (1) a declaration of intent to practice as an
19 attorney in public service employment;

20 (2) proof of prior application to all legal
21 education loan repayment programs offered by the applicant's
22 law school for which the applicant qualifies; and

23 (3) documentation that includes the
24 applicant's total legal education debt, salary, any amounts
25 received by the applicant from other law loan repayment

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1 programs and other sources of income deemed by the department
2 as appropriate for consideration; provided that the applicant
3 shall not be required to disclose amounts of income from
4 military service.

5 D. Award criteria shall provide that:

6 (1) preference in making awards shall be to
7 applicants who:

8 (a) have graduated from the university
9 of New Mexico law school;

10 (b) have the greatest financial need
11 based on legal education indebtedness and salary;

12 (c) work in public service employment
13 that has the lowest salaries; ~~and~~

14 (d) work in public service employment in
15 underserved areas of New Mexico that are in greatest need of
16 attorneys practicing in public service employment; and

17 (e) work for a public defender's office
18 or district attorney's office in the state;

19 (2) an applicant's employment as an attorney
20 in public service employment prior to participation in the
21 public service law loan repayment program shall not count as
22 time spent toward the minimum three-year period of service
23 requirement pursuant to the contract between the participating
24 attorney and the department acting on behalf of the state;

25 (3) award amounts are dependent upon the

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1 applicant's total legal education debt, salary and sources of
2 income other than income from military service deemed by the
3 department as appropriate for consideration;

4 (4) award amounts may be modified based upon
5 available funding or other special circumstances;

6 (5) an award shall not exceed the total legal
7 education debt of any participant;

8 (6) award amounts shall be reduced by the sum
9 of the total award amounts received by the participant from
10 other legal education loan repayment programs; and

11 (7) an award determination may be appealed to
12 the secretary of higher education.

13 E. The following legal education debts are not
14 eligible for repayment pursuant to the Public Service Law Loan
15 Repayment Act:

16 (1) amounts incurred as a result of
17 participation in state or law school loan-for-service programs
18 or other state or law school programs whose purposes state that
19 service be provided in exchange for financial assistance;

20 (2) scholarships that have a service component
21 or obligation;

22 (3) personal loans from relatives or friends;
23 and

24 (4) loans that exceed individual standard
25 school expense levels."

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1 SECTION 6. Section 21-22F-6 NMSA 1978 (being Laws 2005,
2 Chapter 83, Section 6) is amended to read:

3 "21-22F-6. LOAN REPAYMENT CONTRACT TERMS--PAYMENT.--

4 A. The loan repayment award shall be evidenced by a
5 contract between the participating attorney and the
6 [~~commission~~] department acting on behalf of the state. The
7 contract shall state the amount of the award and the
8 obligations of the participating attorney under the public
9 service law loan repayment program, including a minimum three-
10 year period of service, quarterly reporting requirements and
11 other policies established by the [~~commission~~] department.

12 B. A participating attorney shall serve a complete
13 year in order to receive credit for that year. The minimum
14 credit for a year shall be established by the [~~commission~~]
15 department. The maximum credit for a year shall not exceed
16 [~~seven thousand two hundred dollars (\$7,200)] twelve thousand
17 dollars (\$12,000).~~

18 C. If a participating attorney does not comply with
19 the terms of the contract, the [~~commission~~] department shall
20 require immediate repayment of the award plus eighteen percent
21 interest and may assess a penalty of up to three times the
22 amount of award disbursed, unless the [~~commission~~] department
23 finds acceptable extenuating circumstances for why the
24 participating attorney cannot serve or comply with the terms of
25 the contract. If the [~~commission~~] department does not find

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1 acceptable extenuating circumstances for the participating
2 attorney's failure to comply with the contract, the
3 [~~commission~~] department shall require immediate repayment of
4 the award plus the amount of the penalty.

5 D. The [~~commission~~] department, in consultation
6 with the committee, shall adopt rules to implement the
7 provisions of this section. The rules may provide for the
8 disbursement of loan repayment awards in annual or other
9 periodic installments."

10 SECTION 7. Section 24-1-5.11 NMSA 1978 (being Laws 2023,
11 Chapter 49, Section 1) is amended to read:

12 "24-1-5.11. MEDICATION-ASSISTED TREATMENT FOR THE
13 INCARCERATED PROGRAM FUND--CREATED.--

14 A. The "medication-assisted treatment for the
15 incarcerated program fund" is created as a nonreverting fund in
16 the state treasury. The fund consists of appropriations,
17 gifts, grants and donations. The [~~human services department~~]
18 health care authority shall administer the fund, and money in
19 the fund is appropriated to the [~~human services department~~]
20 health care authority to assist all counties that operate
21 correctional facilities to establish and operate medication-
22 assisted treatment programs for people who are incarcerated in
23 county correctional facilities. Disbursements from the fund
24 shall be made by warrants of the secretary of finance and
25 administration pursuant to vouchers signed by the secretary of

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1 ~~[human services]~~ health care authority.

2 B. No later than December 1, ~~[2023]~~ 2025, the
3 ~~[human services department]~~ health care authority shall
4 promulgate rules for the operation of medication-assisted
5 treatment programs in correctional facilities in consultation
6 with the corrections department, county corrections
7 administrators and providers who specialize in substance use
8 disorder treatment and have experience working in corrections
9 settings.

10 C. Beginning October 1, 2023 and annually
11 thereafter, the ~~[human services department]~~ health care
12 authority and the corrections department shall report to the
13 interim legislative health and human services committee and the
14 legislative finance committee on the establishment and
15 operation of medication-assisted treatment programs in
16 correctional facilities.

17 D. The corrections department shall:

18 (1) expand and continue to operate currently
19 existing medication-assisted treatment programs for people who
20 are incarcerated in a state correctional facility;

21 (2) by December 31, 2025, establish and
22 operate a medication-assisted treatment program to continue
23 medication-assisted treatment for incarcerated people with a
24 prescription who are booked into a state correctional facility;

25 [~~and~~]

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1 (3) by the end of fiscal year 2026, offer
2 medication-assisted treatment to all people who are
3 incarcerated in state correctional facilities and in need of
4 medication-assisted treatment;

5 (4) by December 31, 2026, establish and
6 operate a medication-assisted treatment program to continue
7 medication-assisted treatment for incarcerated people with a
8 prescription who are booked into a correctional facility;

9 (5) by the end of fiscal year 2027, offer
10 medication-assisted treatment to all people who are
11 incarcerated in correctional facilities and in need of
12 medication-assisted treatment;

13 (6) by December 31, 2025 for state
14 correctional facilities and by December 31, 2026 for county
15 detention facilities, develop, implement and publish a policy
16 that describes the provision of medication-assisted treatment;

17 (7) by December 31, 2025 for state
18 correctional facilities and by December 31, 2026 for county
19 detention facilities, provide all medications approved by the
20 federal food and drug administration for the treatment of a
21 substance use disorder and withdrawal management to ensure that
22 each program participant receives the medication identified to
23 be the most effective at treating and meeting individual needs;
24 and

25 (8) by December 31, 2026, ensure a continuum

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1 of behavioral health care between county detention facilities
2 and the corrections department, including the continuation of
3 any medication-assisted treatment medications.

4 E. Each correctional facility shall track and
5 report data on medication-assisted treatment utilization to the
6 health care authority, including the:

7 (1) number of individuals screened for
8 medication-assisted treatment;

9 (2) number of individuals receiving
10 medication-assisted treatment;

11 (3) demographic information of a person
12 receiving medication-assisted treatment;

13 (4) type of medication;

14 (5) duration of the treatment; and

15 (6) status of the medication-assisted
16 treatment at release, including if a prescription was provided
17 at release and the person was connected to a community base
18 care.

19 F. A correctional facility that is not in
20 compliance with the health care authority rules for the
21 operation of medication-assisted treatment programs in a
22 correctional setting pursuant to Subsection D of this section
23 shall submit a report to the interim committee that studies
24 courts, corrections and justice describing the barriers to
25 offering the services and what resources are necessary to

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1 provide medication-assisted treatment.

2 [~~E.~~] G. As used in this section:

3 (1) "correctional facility" means a [~~prison or~~
4 ~~other detention facility~~] county detention facility or state
5 prison, whether operated by a government or private contractor,
6 that is used for confinement of adult persons who are charged
7 with or convicted of a violation of a law or an ordinance; and

8 (2) "medication-assisted treatment" means the
9 use of federal food and drug administration-approved
10 prescription drugs for the treatment of substance use
11 disorder."

12 SECTION 8. Section 24-1D-2 NMSA 1978 (being Laws 1994,
13 Chapter 63, Section 2, as amended) is amended to read:

14 "24-1D-2. DEFINITIONS.--As used in the Health Service
15 Corps Act:

16 A. "corps" means the New Mexico health service
17 corps;

18 B. "department" means the department of health;

19 C. "health professional" means a physician,
20 physician assistant, nurse practitioner, nurse-midwife,
21 emergency medical technician-paramedic, dentist, [~~or~~] dental
22 hygienist, licensed clinical social worker or licensed
23 counselor;

24 D. "physician" means a medical doctor or doctor of
25 osteopathic medicine;

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1 E. "physician assistant" means a physician
2 assistant or osteopathic physician assistant; and

3 F. "practice site" means a public health clinic
4 or public or private nonprofit primary care clinic that is
5 located in a state-designated medically underserved area or
6 that serves a high-needs population and that uses a sliding
7 fee scale approved by the department."

8 SECTION 9. Section 24-25-3 NMSA 1978 (being Laws 2004,
9 Chapter 48, Section 3, as amended) is amended to read:

10 "24-25-3. DEFINITIONS.--As used in the New Mexico
11 Telehealth Act:

12 A. "health care provider" means a person licensed
13 to provide health care to patients in New Mexico, including:

- 14 (1) an optometrist;
- 15 (2) a chiropractic physician;
- 16 (3) a dentist;
- 17 (4) a physician;
- 18 (5) a [~~podiatrist~~] podiatric physician;
- 19 (6) an osteopathic physician;
- 20 (7) a physician assistant;
- 21 (8) a certified nurse practitioner;
- 22 (9) a physical therapist;
- 23 (10) an occupational therapist;
- 24 (11) a speech-language pathologist;
- 25 (12) a doctor of oriental medicine;

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- 1 (13) a nutritionist;
- 2 (14) a psychologist;
- 3 (15) a certified nurse-midwife;
- 4 (16) a clinical nurse specialist;
- 5 (17) a registered nurse;
- 6 (18) a dental hygienist;
- 7 (19) a pharmacist;
- 8 (20) a licensed independent social worker;
- 9 (21) a licensed counselor;
- 10 (22) a community health representative; or
- 11 (23) a licensed athletic trainer;

12 B. "originating site" means a place where a
13 patient may receive health care via telehealth. An
14 originating site may include:

- 15 (1) a licensed inpatient center;
- 16 (2) an ambulatory surgical or treatment
17 center;
- 18 (3) a skilled nursing center;
- 19 (4) a residential treatment center;
- 20 (5) a home health agency;
- 21 (6) a diagnostic laboratory or imaging
22 center;
- 23 (7) an assisted living center;
- 24 (8) a school-based health program;
- 25 (9) a mobile clinic;

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- 1 (10) a mental health clinic;
- 2 (11) a rehabilitation or other therapeutic
- 3 health setting;
- 4 (12) the patient's residence;
- 5 (13) a federally qualified health center;
- 6 [~~or~~]
- 7 (14) a community health center; [~~and~~] or
- 8 (15) a crisis triage center; and

9 C. "telehealth" means the use of electronic
10 information, imaging and communication technologies,
11 including interactive audio, video, data communications as
12 well as store-and-forward technologies, to provide and
13 support health care delivery, diagnosis, consultation,
14 treatment, transfer of medical data and education."

15 SECTION 10. Section 29-3-11 NMSA 1978 (being Laws 2007,
16 Chapter 37, Section 1, as amended) is amended to read:

17 "29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--
18 DUTIES OF DEPARTMENT.--

19 A. The department of public safety shall develop,
20 operate and maintain a uniform crime reporting system and
21 shall be the central repository for the collection, storage,
22 retrieval and analysis of crime incident and arrest reports
23 generated by all law enforcement agencies in this state. The
24 system shall be operational as of January 1, 2008.

25 B. The department shall:

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1 (1) compile statistical data and forward
2 such data as required to the federal bureau of investigation
3 or the appropriate United States department of justice agency
4 in accordance with standards and procedures of the national
5 system;

6 (2) provide data collected and stored in the
7 central repository to the New Mexico sentencing commission to
8 populate a publicly accessible statewide data dashboard
9 pursuant to Section 9-3-10 NMSA 1978;

10 [~~2~~] (3) provide forms, standards and
11 procedures and related training to state and local law
12 enforcement agencies as necessary for the agencies to report
13 incident and arrest activity for inclusion in the statewide
14 system;

15 [~~3~~] (4) in conjunction with the New Mexico
16 sentencing commission, annually publish a report on the
17 nature and extent of crime in New Mexico and submit the
18 report to the governor and to the legislature;

19 [~~4~~] (5) maintain the privacy and security
20 of information in accordance with applicable state and
21 federal laws;

22 [~~5~~] (6) provide the New Mexico sentencing
23 commission access to the data collected and maintained by the
24 department; and

25 [~~6~~] (7) establish rules as necessary to

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1 implement the provisions of this section.

2 C. Every law enforcement agency in the state
3 shall:

4 (1) submit crime incident reports to the
5 department of public safety on forms or in the format
6 prescribed by the department;

7 (2) submit any other crime incident
8 information as may be required by the department of public
9 safety; and

10 (3) use the unique code assigned to the
11 crime from the master charge code table distributed by the
12 New Mexico justice information sharing council for the
13 automated fingerprint identification system and use uniform
14 crime incident reporting as provided by the department for
15 all incidents and arrests.

16 D. The annual report and other statistical data
17 reports generated by the department shall be made available
18 to state and local law enforcement agencies, the
19 administrative office of the courts and the general public."

20 SECTION 11. Section 29-7-7 NMSA 1978 (being Laws 1981,
21 Chapter 114, Section 6, as amended) is amended to read:

22 "29-7-7. DEFINITIONS.--For the purpose of the Law
23 Enforcement Training Act:

24 A. "academy" means the New Mexico law enforcement
25 academy;

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1 B. "basic law enforcement training" means a
2 course consisting of not less than four hundred hours of
3 instruction in basic law enforcement training as required by
4 the Law Enforcement Training Act;

5 C. "board" means the law enforcement
6 certification board;

7 D. "conviction" means an adjudication of guilt or
8 a plea of no contest and includes convictions that are
9 suspended or deferred;

10 E. "council" means the New Mexico law enforcement
11 standards and training council;

12 F. "county detention officer" means an employee
13 of a local jail who has inmate custodial responsibilities;

14 ~~[F.]~~ G. "director" means the director of the
15 division;

16 ~~[G.]~~ H. "division" means the New Mexico law
17 enforcement academy of the department of public safety;

18 ~~[H.]~~ I. "in-service law enforcement training"
19 means a course of instruction required of all certified peace
20 officers and designed to train and equip all police officers
21 in the state with specific law enforcement skills and to
22 ensure the continuing development of all police officers in
23 the state. The training and instruction shall be kept
24 current and may be conducted on a regional basis at the
25 discretion of the director;

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1 ~~[I.]~~ J. "law enforcement agency" means an agency
2 of the state or local political subdivision of the state that
3 employs certified law enforcement officers or the police
4 department of a tribe that has entered into an agreement with
5 the department of public safety pursuant to Section 29-1-11
6 NMSA 1978;

7 ~~[J.]~~ K. "police officer" means any commissioned
8 employee of a law enforcement agency that is part of or
9 administered by the state or any political subdivision of the
10 state, and includes any employee of a missile range civilian
11 police department who is a graduate of a recognized certified
12 regional law enforcement training facility and who is
13 currently certifiable by the academy, which employee is
14 responsible for the prevention and detection of crime or the
15 enforcement of the penal, or traffic or highway laws of this
16 state. The term specifically includes deputy sheriffs.
17 Sheriffs are eligible to attend the academy and are eligible
18 to receive certification as provided in the Law Enforcement
19 Training Act. As used in this subsection, "commissioned"
20 means an employee of a law enforcement agency who is
21 authorized by a sheriff or chief of police to apprehend,
22 arrest and bring before the court all violators within the
23 law enforcement agency's jurisdiction; and

24 ~~[K.]~~ L. "certified regional law enforcement
25 training facility" means a law enforcement training facility

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1 within the state certified by the director, with the approval
2 of the academy's board of directors, that offers basic law
3 enforcement training and in-service law enforcement training
4 that is comparable to or exceeds the standards of the
5 programs of the academy."

6 SECTION 12. A new section of the Law Enforcement
7 Training Act is enacted to read:

8 "[NEW MATERIAL] COUNTY DETENTION OFFICER--TRAINING
9 REQUIREMENTS.--

10 A. In collaboration with the training academy
11 division of the corrections department, the director shall
12 create a training program for a county detention officer,
13 subject to review and approval by the jail administrator.

14 B. A county detention officer is eligible to
15 attend the academy and receive certification upon successful
16 completion of the program.

17 C. Per diem, mileage and tuition expenses of a
18 county detention officer shall be paid for by the detention
19 and corrections workforce capacity building fund for
20 attending and completing the training.

21 D. As used in Subsection A of this section, "jail
22 administrator" means the person hired by a county or
23 municipality or a combination of these who supervises the
24 entire operation of the jail and reports directly to the
25 administrative head of the local governmental entity or local

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1 governing body."

2 SECTION 13. Section 29-7-7.5 NMSA 1978 (being Laws
3 2011, Chapter 180, Section 1) is amended to read:

4 "29-7-7.5. INTERACTION WITH PERSONS [~~WITH MENTAL~~
5 ~~IMPAIRMENTS~~] IN CRISIS--TRAINING.--

6 A. A minimum of forty hours of crisis management,
7 including crisis intervention, confrontation de-escalation
8 practicum and proper interaction with persons [~~with mental~~
9 ~~impairments~~] in crisis training, shall be included in the
10 curriculum of each basic law enforcement training class.

11 B. A minimum of [~~two~~] eight hours of crisis
12 management, including crisis intervention, confrontation de-
13 escalation practicum and proper interaction with persons
14 [~~with mental impairments~~] in crisis training, shall be
15 included as a component of in-service law enforcement
16 training pursuant to Section 29-7-7.1 NMSA 1978.

17 C. A pre-recorded course on crisis management,
18 including crisis intervention, confrontation de-escalation
19 practicum and proper interaction with persons [~~with mental~~
20 ~~impairments~~] in crisis training, shall not satisfy the
21 requirements of the basic law enforcement training class
22 required pursuant to Subsection A of this section.

23 D. As used in this section, "[~~mental impairment~~]
24 crisis" includes a mental illness, developmental disability,
25 posttraumatic stress disorder, dual diagnosis, autism

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1 spectrum disorder, substance use disorder, youth in crisis
2 and traumatic brain injury or a co-occurring disorder."

3 SECTION 14. Section 31-1-2 NMSA 1978 (being Laws 1972,
4 Chapter 71, Section 5, as amended) is amended to read:

5 "31-1-2. DEFINITIONS.--Unless a specific meaning is
6 given, as used in the Criminal Procedure Act:

7 A. "accused" means any person charged with the
8 violation of any law of this state imposing a criminal
9 penalty;

10 B. "bail bond" is a contract between surety and
11 the state to the effect that the accused and the surety will
12 appear in court when required and will comply with all
13 conditions of the bond;

14 C. "defendant" means any person accused of a
15 violation of any law of this state imposing a criminal
16 penalty;

17 D. "felony" means any crime so designated by law
18 or if upon conviction thereof a sentence of death or of
19 imprisonment for a term of one year or more is authorized;

20 E. "person", unless a contrary intention appears,
21 means any individual, estate, trust, receiver, cooperative
22 association, club, corporation, company, firm, partnership,
23 joint venture, syndicate or other entity;

24 F. "police officer", "law enforcement officer",
25 "peace officer" or "officer" means any full-time salaried or

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1 certified part-time salaried officer who by virtue of office
2 or public employment is vested by law with the duty to
3 maintain the public peace;

4 G. "recognizance" means any obligation of record
5 entered into before a court requiring the accused to appear
6 at all appropriate times or forfeit any bail and be subject
7 to criminal penalty for failure to appear;

8 H. "release on personal recognizance" or "release
9 on own recognizance" means the release of a defendant without
10 bail, bail bond or sureties upon the defendant's promise to
11 appear at all appropriate times;

12 I. "rules of civil procedure" means rules of
13 civil procedure for the district courts of the state of New
14 Mexico, as may be amended from time to time;

15 J. "rules of criminal procedure" means rules of
16 criminal procedure for the district courts, magistrate courts
17 and municipal courts adopted by the New Mexico supreme court,
18 as may be amended from time to time;

19 K. "misdemeanor" means any offense for which the
20 authorized penalty upon conviction is imprisonment in excess
21 of six months but less than one year; ~~[and]~~

22 L. "petty misdemeanor" means any offense so
23 designated by law or if upon conviction a sentence of
24 imprisonment for six months or less is authorized;

25 M. "mental illness" means a clinically

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1 significant disorder of thought, mood, perception,
2 orientation, memory or behavior that limits the capacity of a
3 person to function in the primary aspects of daily living,
4 including personal relations, living arrangements, employment
5 and recreation. "Mental illness" does not include other
6 mental disorders that result in diminished capacity,
7 including epilepsy, intellectual disability, dementia,
8 delirium, brief periods of intoxication caused by alcohol or
9 other substances or dependence upon or addiction to alcohol
10 or other substances;

11 N. "substance use disorder" means a spectrum of
12 persistent and recurring problematic behaviors that
13 encompasses various classes of drugs, alcohol and other
14 unknown substances leading to clinically significant disorder
15 or distress;

16 O. "person in crisis" means a person with mental
17 illness or substance use disorder who is experiencing a
18 behavioral health crisis;

19 P. "behavioral health crisis" means a significant
20 disruption of mental or emotional stability or functioning of
21 a person resulting in an urgent need for immediate assessment
22 and treatment to prevent a serious deterioration in the
23 mental or physical health of a person;

24 Q. "law enforcement deflection program" means a
25 collaborative program between law enforcement agencies and

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1 behavioral health entities that assists individuals who may
2 have a mental illness, substance use disorder, another
3 behavioral health disorder or co-occurring disorders to
4 create community-based pathways to treatment, recovery
5 support services, housing, case management or other services
6 in lieu of arrest;

7 R. "treatment" means the broad range of
8 emergency, outpatient and residential care that may be
9 extended to a person with a substance use disorder, mental
10 illness or co-occurring disorders;

11 S. "mental health professional" means a person
12 licensed to provide mental health care to patients in the
13 state of New Mexico; and

14 T. "validated risk and needs assessment" means an
15 actuarial tool scientifically proven to determine a person's
16 risk to reoffend and criminal risk factors that, when
17 properly addressed, can reduce that person's likelihood of
18 committing future criminal behavior."

19 SECTION 15. A new section of the Criminal Procedure Act
20 is enacted to read:

21 "[NEW MATERIAL] LAW ENFORCEMENT DEFLECTION PROGRAM--
22 AUTHORITY AND PROGRAM REQUIREMENTS.--

23 A. Any law enforcement agency, first responder
24 entity or local government may establish a law enforcement
25 deflection program pursuant to the provisions of this

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1 section, in partnership with one or more licensed providers
2 of behavioral health services or substance use disorder
3 treatment services. The law enforcement deflection program
4 shall be funded by state and federal grants awarded to
5 counties and federally recognized tribal governments.

6 B. A partnership shall include at a minimum a law
7 enforcement agency, a community-based treatment program and a
8 behavioral health agency licensed by the state of New Mexico.
9 Partners may also included a treatment provider, district
10 attorney, tribal government, peer support organization, court
11 or local government body.

12 C. Each law enforcement deflection program
13 established pursuant to this section shall include:

14 (1) participant identification, screening or
15 assessment;

16 (2) case management and treatment
17 facilitation;

18 (3) participant follow-up; and

19 (4) training for law enforcement, peace
20 officers, first responders and treatment providers.

21 D. Each law enforcement deflection program shall
22 track and report known data, including:

23 (1) the number of program participants;

24 (2) demographic information on participants;

25 (3) the number of law enforcement encounters

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1 that result in a treatment referral;

2 (4) law enforcement encounters that result
3 in a treatment referral;

4 (5) the rate of treatment engagement within
5 thirty days of initial contact;

6 (6) the duration of treatment involvement;
7 and

8 (7) the number of subsequent law enforcement
9 encounters for individuals referred to treatment."

10 SECTION 16. A new section of the Criminal Procedure Act
11 is enacted to read:

12 "[NEW MATERIAL] ENCOUNTER OF A PERSON IN CRISIS.--

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

19 (1) a state licensed community treatment
20 provider, a hospital, a certified community behavioral
21 clinic, a crisis triage center, an approved treatment
22 facility offering detoxification services for chemical
23 dependency emergencies, an emergency department or other
24 approved treatment provider that specializes in behavioral
25 health responses;

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1 (2) a crisis-intervention-team-certified law
2 enforcement officer or a member of a mobile crisis team; or

3 (3) a public or private community service
4 that the person is willing to accept.

5 B. Each law enforcement agency in the state shall
6 establish a policy and procedure for interacting with a
7 person in crisis, including policies and procedures regarding
8 the transfer of a person in crisis to a hospital, clinic or
9 community treatment provider and subsequent steps for
10 wraparound care.

11 C. The department of public safety, in
12 collaboration with the New Mexico law enforcement academy,
13 shall establish guidelines and a training program to assist
14 law enforcement agencies in implementing policies and
15 procedures into the training program pursuant to Section
16 29-7-7.5 NMSA 1978.

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

23 SECTION 17. Section 31-16A-4 NMSA 1978 (being Laws
24 1981, Chapter 33, Section 4, as amended) is amended to read:

25 "31-16A-4. ELIGIBILITY.--

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1 A. A defendant shall meet the following minimum
2 criteria to be eligible for a preprosecution diversion
3 program:

4 ~~[(1) the defendant shall have no prior~~
5 ~~felony convictions for a violent crime;~~

6 (2)] (1) the defendant is willing to
7 participate in the program and submit to all program
8 requirements; and

9 ~~[(3)]~~ (2) any additional criteria set by the
10 district attorney.

11 B. The district attorney shall consider the
12 following factors to determine eligibility for a
13 preprosecution diversion program:

14 (1) whether the state of New Mexico has or
15 is likely to have sufficient evidence to achieve conviction;

16 (2) the nature of the offense;

17 (3) whether the accused will benefit from a
18 preprosecution diversion program;

19 (4) whether available programs are
20 appropriate to the needs of the defendant;

21 (5) whether the services for the defendant
22 are more readily available from the community;

23 (6) whether the defendant constitutes a
24 substantial danger to others; and

25 (7) mitigating or aggravating circumstances.

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1 ~~[B.]~~ C. A person who meets all of the criteria
2 pursuant to Subsection A of this section may be entered into
3 the preprosecution diversion program; provided that the
4 district attorney may elect not to divert a person to the
5 preprosecution diversion program even though that person
6 meets the minimum criteria set forth in this section.

7 ~~[C.]~~ D. A decision by the district attorney not
8 to divert a person to the preprosecution diversion program is
9 not subject to appeal and shall not be raised as a defense to
10 any prosecution or habitual offender proceeding."

11 **SECTION 18.** A new section of Chapter 31, Article 20
12 NMSA 1978 is enacted to read:

13 "[NEW MATERIAL] TREATMENT COURT DIVERSION.--

14 A. Each district court may establish a treatment
15 court program, including a drug court, mental health court or
16 other treatment-based court diversion program, in accordance
17 with the administrative office of the courts and the
18 provisions of this section. Each district court operating a
19 treatment court program shall establish its own eligibility
20 criteria and guidelines for the program.

21 B. Participation in the treatment court program
22 may occur at the request of the district attorney or
23 presiding judge any time prior to adjudication or following
24 adjudication by suspended or deferred sentence by either:

25 (1) entering an order deferring the

1 imposition of sentence;

2 (2) sentencing the defendant and enter an
3 order suspending in whole or in part the execution of the
4 sentence; or

5 (3) committing the convicted person, if
6 convicted of a felony and not committed for diagnostic
7 purposes within the twelve-month period immediately preceding
8 that conviction, to the corrections department for an
9 indeterminate period not to exceed sixty days for purposes of
10 diagnosis, with direction that the court be given a report
11 when the diagnosis is complete as to what disposition appears
12 best when the interests of the public and the individual are
13 evaluated.

14 C. If participation in the treatment court
15 program occurs prior to adjudication and the defendant abides
16 by the conditions of the program:

17 (1) the court shall dismiss the case; or

18 (2) the defendant may be terminated from the
19 program. If the defendant is terminated, the participant
20 shall have the case placed on the calendar in the judicial
21 district from which the case originated and the statute of
22 limitations shall be tolled the entire period the defendant
23 was participating in the program.

24 D. If participation in the treatment court
25 program occurs following adjudication pursuant to Section
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1 31-20-3 NMSA 1978, and the participant abides by all the
2 conditions of the program, the court may:

3 (1) dismiss the case and seal the file;

4 (2) reduce the conviction to a lesser and
5 included charge; or

6 (3) terminate probation pursuant to Section
7 31-20-8 NMSA 1978.

8 E. If participation in the treatment court
9 program occurs following adjudication pursuant to Section
10 31-20-3 NMSA 1978 and the participant fails to abide by the
11 program conditions, the participant shall be subject to a
12 violation of probation as provided in Section 31-21-14 or
13 31-21-15 NMSA 1978 and shall reappear before the
14 participant's original sentencing judge."

15 SECTION 19. Section 31-20-5 NMSA 1978 (being Laws 1963,
16 Chapter 303, Section 29-17, as amended) is amended to read:

17 "31-20-5. PLACING DEFENDANT ON PROBATION.--

18 A. When a person has been convicted of a crime
19 for which a sentence of imprisonment is authorized and when
20 the magistrate, metropolitan or district court has deferred
21 or suspended sentence, it shall order the defendant to be
22 placed on probation for all or some portion of the period of
23 deferment or suspension if the defendant is in need of
24 supervision, guidance or direction that is feasible for the
25 corrections department to furnish. Except for sex offenders

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1 as provided in Section 31-20-5.2 NMSA 1978, the total period
2 of probation for district court shall not exceed five years
3 and the total period of probation for the magistrate or
4 metropolitan courts shall be no longer than the maximum
5 allowable incarceration time for the offense or as otherwise
6 provided by law.

7 B. The magistrate, metropolitan or district court
8 shall impose standard probation conditions to a defendant
9 under supervision that are necessary to maintain public
10 safety, including to:

11 (1) refrain from unlawful conduct;

12 (2) not possess, buy, sell or own a firearm,
13 ammunition or other dangerous weapon;

14 (3) report to a probation officer as
15 required and permit the officer to visit the home of the
16 defendant; and

17 (4) remain in the jurisdiction of the
18 magistrate, metropolitan or district court, unless with the
19 permission of the probation officer.

20 C. The magistrate, metropolitan or district court
21 may impose any special conditions necessary to the successful
22 rehabilitation of the defendant on supervision pursuant to
23 the results of a validated risk and needs assessment
24 administered and scored by a person trained in the tool that
25 the corrections department uses to establish level of

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1 supervision and individual case plans. After administering
2 the validated risk and needs assessment, the probation
3 officer responsible for the supervision of the defendant
4 shall notify the magistrate, metropolitan or district court
5 of a necessary special condition responding to the
6 assessment. The magistrate, metropolitan or district court
7 shall modify the conditions of supervision and impose the
8 necessary special conditions pursuant to this section.

9 D. The validated risk and needs assessment
10 required under this section shall undergo periodic validation
11 studies in accordance with the time line established by the
12 developer of the tool. The corrections department shall
13 establish quality assurance procedures to ensure proper and
14 consistent scoring of the validated risk and needs assessment
15 as well as training for a person administering the tool.

16 ~~[B.]~~ E. If a defendant is required to serve a
17 period of probation subsequent to a period of incarceration:

18 (1) the period of probation shall be served
19 subsequent to any required period of parole, with the time
20 served on parole credited as time served on the period of
21 probation and the conditions of probation imposed by the
22 court deemed as additional conditions of parole; and

23 (2) in the event that the defendant violates
24 any condition of that parole, the parole board shall cause
25 ~~[him]~~ the defendant to be brought before it pursuant to the

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1 provisions of Section 31-21-14 NMSA 1978 and may make any
2 disposition authorized pursuant to that section and, if
3 parole is revoked, the period of parole served in the custody
4 of a correctional facility shall not be credited as time
5 served on probation."

6 SECTION 20. Section 31-20-6 NMSA 1978 (being Laws 1963,
7 Chapter 303, Section 29-18, as amended) is amended to read:

8 "31-20-6. CONDITIONS OF ORDER DEFERRING OR SUSPENDING
9 SENTENCE.--The magistrate, metropolitan or district court
10 shall attach to its order deferring or suspending sentence
11 reasonable conditions as it may deem necessary to ensure that
12 the defendant will observe the laws of the United States and
13 the various states and the ordinances of any municipality.
14 The defendant upon conviction shall be required to reimburse
15 a law enforcement agency or local crime stopper program for
16 the amount of any reward paid by the agency or program for
17 information leading to the defendant's arrest, prosecution or
18 conviction, but in no event shall reimbursement to the crime
19 stopper program preempt restitution to victims pursuant to
20 the provisions of Section 31-17-1 NMSA 1978. The defendant
21 upon conviction shall be required to pay the actual costs of
22 the defendant's supervised probation service to the adult
23 probation and parole division of the corrections department
24 or appropriate responsible agency for deposit to the
25 corrections department intensive supervision fund not

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1 exceeding one thousand eight hundred dollars (\$1,800)
2 annually to be paid in monthly installments of not less than
3 twenty-five dollars (\$25.00) and not more than one hundred
4 fifty dollars (\$150), as set by the appropriate district
5 supervisor of the adult probation and parole division, based
6 upon the financial circumstances of the defendant. The
7 defendant's payment of the supervised probation costs shall
8 not be waived unless the court holds an evidentiary hearing
9 and finds that the defendant is unable to pay the costs. If
10 the court waives the defendant's payment of the supervised
11 probation costs and the defendant's financial circumstances
12 subsequently change so that the defendant is able to pay the
13 costs, the appropriate district supervisor of the adult
14 probation and parole division shall advise the court and the
15 court shall hold an evidentiary hearing to determine whether
16 the waiver should be rescinded. The court may also require
17 the defendant to:

18 A. provide for the support of persons for whose
19 support the defendant is legally responsible;

20 B. undergo available medical or psychiatric
21 treatment and enter and remain in a specified institution
22 when required for that purpose;

23 C. be placed on probation under the supervision,
24 guidance or direction of the adult probation and parole
25 division for a term not to exceed five years;

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1 D. serve a period of time in volunteer labor to
2 be known as "community service". The type of labor and
3 period of service shall be at the sole discretion of the
4 court; provided that a person receiving community service
5 shall be immune from any civil liability other than gross
6 negligence arising out of the community service, and a person
7 who performs community service pursuant to court order or a
8 criminal diversion program shall not be entitled to wages,
9 shall not be considered an employee and shall not be entitled
10 to workers' compensation, unemployment benefits or any other
11 benefits otherwise provided by law. As used in this
12 subsection, "community service" means labor that benefits the
13 public at large or a public, charitable or educational entity
14 or institution;

15 E. make a contribution of not less than ten
16 dollars (\$10.00) and not more than one hundred dollars
17 (\$100), to be paid in monthly installments of not less than
18 five dollars (\$5.00), to a local crime stopper program, a
19 local domestic violence prevention or treatment program or a
20 local drug abuse resistance education program that operates
21 in the territorial jurisdiction of the court; ~~and~~

22 F. participate and complete to the satisfaction
23 of the court an alternative program, treatment or activity
24 deemed appropriate by the court, including a treatment court
25 program; and

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1 [F-] G. satisfy any other conditions reasonably
2 related to the defendant's rehabilitation."

3 **SECTION 21.** Section 31-20-13 NMSA 1978 (being Laws
4 1993, Chapter 283, Section 2, as amended) is amended to read:

5 "31-20-13. **CONDITIONAL DISCHARGE ORDER--EXCEPTION.--**

6 A. When a person who has not been previously
7 convicted of a felony offense is found guilty of a crime for
8 which a deferred or suspended sentence is authorized, the
9 court may, without entering an adjudication of guilt, enter a
10 conditional discharge order and place the person on probation
11 on terms and conditions authorized by Sections 31-20-5 and
12 31-20-6 NMSA 1978. A conditional discharge order may only be
13 made available once with respect to any person.

14 B. If the person violates any of the conditions
15 of probation, the court may enter an adjudication of guilt
16 and proceed as otherwise provided by law.

17 C. The court shall not enter a conditional
18 discharge order for a person found guilty of driving a motor
19 vehicle while under the influence of intoxicating liquor or
20 drugs pursuant to the provisions of Section 66-8-102 NMSA
21 1978, unless five years or more have elapsed since the date
22 of conviction for driving a motor vehicle while under the
23 influence of intoxicating liquor or a drug offense."

24 **SECTION 22.** Section 31-21-9 NMSA 1978 (being Laws 1972,
25 Chapter 71, Section 17) is amended to read:

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1 "31-21-9. PRESENTENCE AND PRERELEASE INVESTIGATIONS.--

2 A. Upon the order of any district, metropolitan
3 or magistrate court, the director shall prepare a presentence
4 report [~~which~~] that shall include such information as the
5 court may request.

6 B. Upon the order of any district court, the
7 director shall prepare a prerelease report [~~which~~] that the
8 court shall use to determine the accused's qualifications for
9 bail. The report shall include available information about
10 the accused's family ties, employment, financial resources,
11 character, physical and mental condition, the length of [~~his~~]
12 residence in the community, [~~his~~] record of convictions,
13 [~~his~~] record of appearance at court proceedings or of flight
14 to avoid prosecution or failure to appear at court
15 proceedings and any history of drug or alcohol abuse.

16 C. All local and state law enforcement agencies
17 shall furnish to the director any requested criminal records.

18 D. Upon the order of a district, metropolitan or
19 magistrate court, the director shall prepare a presentence or
20 prerelease report containing the results of an evaluation or
21 assessment conducted pursuant to Sections 31-21-3 through
22 31-21-19 and 31-21-21 NMSA 1978 or a validated risk and needs
23 assessment used to make decisions regarding treatment,
24 program eligibility, facility placement or level of
25 supervision."

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1 SECTION 23. Section 31-21-21 NMSA 1978 (being Laws
2 1963, Chapter 301, Section 17) is amended to read:

3 "31-21-21. CONDITIONS OF PROBATION--DUAL SUPERVISION.--

4 A. If a person has a term of probation following
5 the release from prison, the board, in consultation with the
6 director, shall adopt general [regulations] rules concerning
7 the conditions of probation [which] that apply in the absence
8 of specific conditions imposed by the court. All
9 probationers are subject to supervision of the board unless
10 otherwise specifically ordered by the court in the particular
11 case. Nothing in the Probation and Parole Act limits the
12 authority of the court to impose or modify any general or
13 specific condition of probation. The board may recommend and
14 by order the court may impose and modify any conditions of
15 probation. The court shall transmit to the board and to the
16 probationer a copy of any order.

17 B. The board, in consultation with the director,
18 may impose a special condition necessary to the successful
19 rehabilitation of the person and may follow the validated
20 risk and needs assessment procedure."

21 SECTION 24. Section 31-30-4 NMSA 1978 (being Laws 2022,
22 Chapter 56, Section 41) is amended to read:

23 "31-30-4. VIOLENCE INTERVENTION PROGRAM
24 REQUIREMENTS.--A violence intervention program shall:

25 A. use an evidence- or research-based public

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1 health approach to reduce gun violence and aggravated
2 assaults;

3 B. use focused deterrence, problem-oriented
4 policing and proven law enforcement strategies to reduce gun
5 violence and aggravated assaults;

6 C. target a population that is at high risk for
7 victimization or retaliation that results from gun violence
8 or aggravated assault through engaging in the cycles of
9 violence in the community;

10 D. use data-driven methods for program
11 development; ~~and~~

12 E. use program funding in a manner that is
13 directly related to the reduction of gun violence and
14 aggravated assaults;

15 F. use crime mapping to utilize crime data to
16 interrupt and deter violence by identifying and targeting a
17 person, group and locations where violence is concentrated;

18 G. partner with the crime victims reparation
19 commission to identify opportunities to better support
20 victims of violence and ensure the privacy of victims and
21 survivors; and

22 H. comply with all reporting requirements
23 pursuant to Section 29-3-11 NMSA 1978 and Paragraph (16) of
24 Subsection D of Section 9-3-10 NMSA 1978."

25 SECTION 25. Section 31-30-9 NMSA 1978 (being Laws 2022,
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1 Chapter 56, Section 46) is amended to read:

2 "31-30-9. REPORTS.--

3 A. Each grantee shall report to the department
4 and the commission by November 1 of each year regarding the:

5 (1) purpose and amount of each grant
6 received by the grantee for the previous fiscal year; and

7 (2) processes, outputs and outcomes
8 resulting from each grant approved by the department for the
9 previous fiscal year, including relevant data as required by
10 department rules.

11 B. Each year through [~~2027~~] 2030, the department
12 and the commission shall report to the legislature by
13 December 1 regarding the awards and outcomes of each
14 grantee."

15 SECTION 26. Section 34-13-2 NMSA 1978 (being Laws 1993,
16 Chapter 273, Section 2, as amended) is amended to read:

17 "34-13-2. COURT EDUCATION SERVICES DIVISION--PURPOSE.--

18 The court education services division of the administrative
19 office of the courts shall provide judicial education,
20 training and instruction for the justices, judges,
21 magistrates and court personnel of the state, municipalities
22 and counties and may provide such education for tribal
23 judges. The training shall include continuing education on
24 substance use disorders, mental health conditions and co-
25 occurring disorders upon assuming office or employment and

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1 quadrennially thereafter."

2 SECTION 27. [NEW MATERIAL] JAIL REENTRY FUND.--The
3 "jail reentry fund" is created as a nonreverting fund in the
4 state treasury. The fund consists of appropriations, gifts,
5 grants and donations. The health care authority shall
6 administer the fund, and money in the fund is appropriated to
7 the health care authority to assist all counties that operate
8 correctional facilities to access the reach, intervene,
9 support and engage program to support successful reentry for
10 a person released from jail. Disbursements from the fund
11 shall be made by warrant of the secretary of finance and
12 administration pursuant to vouchers signed by the secretary
13 of health care authority or the secretary's authorized
14 representative."

15 SECTION 28. [NEW MATERIAL] CLINICAL SUPERVISION FUND.--
16 The "clinical supervision fund" is created as a nonreverting
17 fund in the state treasury. The fund consists of
18 appropriations, gifts, grants and donations. The regulation
19 and licensing department shall administer the fund, and money
20 in the fund is appropriated to the regulation and licensing
21 department to subsidize the cost of clinical supervision
22 provided by behavioral health providers. To be eligible for
23 clinical supervision reimbursement, a behavioral health
24 provider must be fully licensed and in good standing with all
25 state obligations, include medicaid as an accepted insurer

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1 and accept justice-involved clients. Disbursements from the
2 fund shall be made by warrant of the secretary of finance and
3 administration pursuant to vouchers signed by the
4 superintendent of regulation and licensing or the
5 superintendent's authorized representative."

6 SECTION 29. TEMPORARY PROVISION--CREATION OF A
7 STATEWIDE SYSTEM OF COMMUNITY-BASED TREATMENT.--

8 A. As used in this section:

9 (1) "administration" means the behavioral
10 health services division of the health care authority
11 operating under the health care authority;

12 (2) "community-based crisis treatment
13 system" means a statewide system of community-based treatment
14 programs for individuals in crisis that provides services as
15 alternatives to institutionalization and in the least
16 restrictive setting;

17 (3) "director" means the director of the
18 administration; and

19 (4) "individual in crisis" means a person
20 with a mental illness or substance use disorder who is
21 experiencing a behavioral health crisis.

22 B. The director shall establish a statewide plan
23 for a community-based crisis treatment system. The plan
24 shall provide a wide range of programs and services as
25 alternatives to inpatient residential care.

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1 C. The statewide plan shall include the following
2 elements:

3 (1) a description of the current programs
4 and service delivery mechanisms in each county that provides
5 services to individuals in crisis;

6 (2) identification of areas within the state
7 where multiple jurisdictions could share resources using
8 intergovernmental contracts;

9 (3) tools for local officials to help
10 implement mobile crisis teams and virtual crisis care
11 services to meet the needs of their population, including:

12 (a) guidelines for sharing funding and
13 resources using intergovernmental contracts; and

14 (b) assessment of existing barriers
15 for rural counties;

16 (4) goals, objectives and priorities for the
17 delivery of crisis services across the state and methods to
18 evaluate their effectiveness;

19 (5) cooperative agreements with counties to
20 develop and maintain a coordinated system for delivery of
21 residential and outpatient care;

22 (6) methods for regularly estimating the
23 need for community-based crisis treatment services annually
24 and for allocating state money according to that need;

25 (7) procedures to allow for necessary

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1 information sharing and communication among a crisis and
2 emergency response systems for the purpose of real-time
3 crisis care coordination, including deployment of crisis and
4 outgoing services, follow-up care and linked, flexible
5 services specific to crisis response; and

6 (8) assessment of federal funding sources
7 for the purposes of crisis response and establishment of
8 processes to seek out such funding to supplement state
9 funding for crisis response in New Mexico.

10 D. The director may establish rules as are
11 necessary for the implementation pursuant to the provisions
12 of this section.

13 E. By June 30, 2026, the director shall submit
14 the plan and associated rules to the interim legislative
15 health and human services committee and legislative finance
16 committee."