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HOUSE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

DISCUSSION DRAFT

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO GUN VIOLENCE; CREATING THE OFFICE OF GUN VIOLENCE PREVENTION AND INTERVENTION; CREATING THE DIRECTOR SELECTION COMMITTEE; PROVIDING POWERS AND DUTIES; REQUIRING ANNUAL REPORTS.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Office of Gun Violence Prevention and Intervention Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Office of Gun Violence Prevention and Intervention Act:

- A. "committee" means the director selection committee;
- B. "department" means the department of health;
- C. "director" means the director of the office;

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1 D. "office" means the office of gun violence
2 prevention and intervention; and

3 E. "resource bank" means the collection of
4 materials and resources pertaining to gun violence in New
5 Mexico as described in the Office of Gun Violence Prevention
6 and Intervention Act.

7 **SECTION 3. [NEW MATERIAL] OFFICE ESTABLISHED.--**The
8 "office of gun violence prevention and intervention" is
9 created. The office is administratively attached to the
10 department. For the purposes of this section, the term
11 "administratively attached" has the meaning specified in
12 Section 9-1-7 NMSA 1978.

13 **SECTION 4. [NEW MATERIAL] DIRECTOR--APPOINTMENT--**
14 **QUALIFICATIONS.--**The director shall be appointed by the
15 committee for a term of six years, except that the initial term
16 shall begin on July 1, 2022 and shall end on December 31, 2022.
17 The director may be reappointed to successive terms. An
18 appointed director shall have all the duties, responsibilities
19 and authority of that office during the period of time prior to
20 appointment of a new director. The director shall be removed
21 only for malfeasance, misfeasance or abuse of office. The
22 director shall be a qualified person with previous
23 administrative experience in data collection and gun violence
24 prevention.

25 **SECTION 5. [NEW MATERIAL] DIRECTOR--POWERS AND DUTIES--**

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1 EMPLOYEES OF THE OFFICE.--

2 A. The director may:

3 (1) adopt and promulgate rules pertaining to
4 the office; and

5 (2) hire and contract for such professional,
6 technical and support staff as needed to carry out the
7 functions of the office; provided that such hiring and
8 contracting be without regard to party affiliation and solely
9 on the grounds of competence and fitness to perform the duties
10 of the position. Employees of the office are subject to the
11 provisions of the Personnel Act.

12 B. The director shall:

13 (1) oversee and manage the office; and

14 (2) assign and distribute the work of the
15 office.

16 SECTION 6. [NEW MATERIAL] DIRECTOR SELECTION COMMITTEE--
17 DUTIES.--

18 A. The "director selection committee" is created
19 and consists of nine members, including:

20 (1) four members who are selected by the New
21 Mexico legislative council, no more than two of whom are from
22 the same political party;

23 (2) four members who are selected by the
24 governor, no more than two of whom are from the same political
25 party; and

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1 (3) a committee chair, whom a majority of the
2 other eight members select and who is not a candidate for the
3 position of director.

4 B. The committee shall meet exclusively for the
5 purpose of hiring a qualified person to fill a current or
6 impending vacancy in the position of director. The committee
7 shall actively solicit, accept and evaluate applications for
8 the position of director and may require applicants to submit
9 any information that the committee deems relevant to the
10 consideration of applications. Within thirty days after the
11 occurrence of a vacancy in the director position, the committee
12 shall convene and, within thirty days of convening, select a
13 qualified director from the committee's list of applicants by a
14 majority of the committee. The committee shall set the salary
15 of the director.

16 C. The committee is administratively attached to
17 the department pursuant to the provisions of Section 9-1-7 NMSA
18 1978.

19 SECTION 7. [NEW MATERIAL] RESOURCE BANK.--

20 A. The office shall create and maintain a resource
21 bank of regularly updated and accurate materials and resources
22 as a repository for data, research and statistical information
23 regarding gun violence in New Mexico with a focus on public
24 health, education and racial equity. The office shall ensure
25 that all identifying information of individuals be removed

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1 before any data, research or statistical information is shared.

2 B. As part of maintaining the resource bank, the
3 office shall:

4 (1) assist researchers who are seeking
5 information about gun violence in New Mexico;

6 (2) collaborate with research institutions,
7 hospitals, public health departments, police departments and
8 organizations that conduct gun violence research to:

9 (a) identify gaps in available data
10 needed for gun violence prevention research and develop
11 strategies to improve relevant data collection in New Mexico;

12 (b) gather and analyze data regarding
13 petitions filed under the Extreme Risk Firearm Protection Order
14 Act;

15 (c) use existing available research to
16 enhance evidence-based gun violence prevention tools and
17 resources available to New Mexico communities; and

18 (d) improve the understanding of
19 disproportionate barriers to safety from gun violence by
20 encouraging disaggregation of data by race and ethnicity when
21 research is conducted;

22 (3) promote new and relevant research
23 regarding gun violence prevention and make this research
24 accessible to researchers and the public;

25 (4) facilitate coordination among state

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1 agencies, localities and nongovernmental organizations to
2 address gun violence comprehensively;

3 (5) conduct gun violence prevention awareness
4 and outreach campaigns;

5 (6) outline best practices for preventing gun
6 violence and provide tools and resources for addressing the
7 different types of gun violence within the state; and

8 (7) collaborate with the New Mexico law
9 enforcement academy to assist with gun violence prevention
10 education and training for officers.

11 SECTION 8. [NEW MATERIAL] FEDERAL AND OTHER GRANTS.--

12 A. The office shall identify and apply for
13 available federal grants and other funding to gather and
14 disseminate data and information regarding gun violence in New
15 Mexico with a focus on public health, education and racial and
16 economic equity. The office may work in collaboration with
17 other state departments and partners to identify and apply for
18 federal grants and other funding.

19 B. The office may, at the discretion of the
20 director, provide funding from grants and other funding to
21 outside organizations to further the directives of the office.

22 SECTION 9. [NEW MATERIAL] REPORT.--The office shall make
23 a report to the legislature of its findings and
24 recommendations. The report and suggested legislation shall be
25 made available to the New Mexico legislative council on or

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1 before December 15 of each year. The office shall make the
2 report publicly available on the office's website or, if the
3 office does not have a dedicated website, on the office's web
4 page of the department's website.

5 SECTION 10. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2022.

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