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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 CRIME; ENACTING THE VIOLENCE INTERVENTION PROGRAM ACT; CREATING THE VIOLENCE INTERVENTION PROGRAM FUND; ESTABLISHING APPLICATION AND REPORTING REQUIREMENTS; MAKING AN APPROPRIATION.

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 "Violence Intervention Program Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Violence Intervention Program Act:

A. "commission" means the New Mexico sentencing commission;

B. "community-based service provider" means an entity that is eligible to be awarded a contract to provide services that accomplish the purposes of the Violence

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1 Intervention Program Act;

2 C. "department" means the department of health; and

3 D. "grantee" means a state agency, county,

4 municipality or tribal government that has applied for and

5 received funding pursuant to the Violence Intervention Program

6 Act for the purposes of addressing gun violence and aggravated

7 assaults in a locally focused geographic area.

8 SECTION 3. ~~[NEW MATERIAL]~~ VIOLENCE INTERVENTION PROGRAM

9 FUND--CREATED--PURPOSE.--The "violence intervention program

10 fund" is created as a nonreverting fund in the state treasury.

11 The fund consists of appropriations, gifts, grants and

12 donations. The department shall administer the fund, and money

13 in the fund is appropriated to the department to administer the

14 provisions of the Violence Intervention Program Act and award

15 violence intervention program grants to state agencies,

16 counties, municipalities or tribal governments that the

17 department finds are disproportionately impacted by violent

18 crimes, including homicides, shootings and aggravated assaults.

19 Expenditures from the fund shall be made on warrant of the

20 secretary of finance and administration pursuant to vouchers

21 signed by the secretary of health. The department may expend

22 no more than three percent of the balance of the fund each

23 fiscal year for administering the Violence Intervention Program

24 Act. No money in the fund may be expended in any way except as

25 provided by the Violence Intervention Program Act.

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1 SECTION 4. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM

2 REQUIREMENTS.--A violence intervention program shall:

3 A. use an evidence- or research-based public health
4 approach to reduce gun violence and aggravated assaults;

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

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

12 D. use data-driven methods for program development;
13 and

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

17 SECTION 5. [NEW MATERIAL] GRANT AWARDS.--

18 A. On or after July 1, 2022, the department shall
19 receive and review applications for grants from the violence
20 intervention program fund. The department may make grants from
21 the fund to state agencies, counties, municipalities or tribal
22 governments that the department finds are disproportionately
23 impacted by violent crimes, including homicides, shootings and
24 aggravated assaults.

25 B. The department shall make awards of grants from

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1 the fund in accordance with the following limitations:

2 (1) grant awards shall be made to at least two
3 counties, municipalities or tribal governments with a
4 population of fifty thousand or less according to the most
5 recent annual university of New Mexico intercensal population
6 estimate;

7 (2) at least twenty percent of the total
8 annual amount appropriated to the fund shall be awarded to
9 counties or municipalities with a population of five hundred
10 forty thousand or greater according to the most recent federal
11 decennial census; and

12 (3) the department of health shall utilize the
13 funds in accordance with department of finance and
14 administration guidelines.

15 SECTION 6. [NEW MATERIAL] APPLICATION REQUIREMENTS.--

16 A. Each application for a grant from the violence
17 intervention program fund shall include:

18 (1) clearly defined, measurable objectives for
19 a proposal to improve public health and safety through
20 evidence-based violence reduction interventions;

21 (2) a comprehensive violence reduction
22 strategic plan, including consistent quality improvement and
23 quality assurance measures, and a description of the strategies
24 and tasks developed by a state agency, county, municipality or
25 tribal government describing the goals of the plan, including

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1 community-based services or joint community-based services and
2 law enforcement intervention strategies;

3 (3) a description of how a grant award would
4 be used if awarded; and

5 (4) a list of community-based service
6 providers in the locally focused geographic area in which the
7 grant funds would be used, including those with an expressed
8 commitment to participating in a violence intervention program.

9 B. The commission shall provide state agencies,
10 counties, municipalities and tribal governments with data
11 relevant to grant applications.

12 C. An applicant shall notify the appropriate
13 criminal justice coordinating council established pursuant to
14 Section 31-28-3 NMSA 1978 of its grant application.

15 SECTION 7. [NEW MATERIAL] CONDITIONS OF GRANT.--

16 A. As a condition of each grant made pursuant to
17 the Violence Intervention Program Act, the department shall
18 require each grantee to use at least fifty percent of its grant
19 for the purpose of entering into contracts with one or more
20 community-based service providers.

21 B. Each grantee shall report to the appropriate
22 criminal justice coordinating council established pursuant to
23 Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

24 C. A grant may be awarded to a county or
25 municipality, but shall not be awarded to both a county and a

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1 municipality falling within the county.

2 SECTION 8. [NEW MATERIAL] RULES.--The department shall
3 adopt rules necessary to administer the provisions of the
4 Violence Intervention Program Act, including standardized rules
5 pertaining to the collection and sharing of data by grantees.

6 SECTION 9. [NEW MATERIAL] REPORTS.--

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

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

11 (2) processes, outputs and outcomes resulting
12 from each grant approved by the department for the previous
13 fiscal year, including relevant data as required by department
14 rules.

15 B. Each year through 2027, the department and the
16 commission shall report to the legislature by December 1
17 regarding the awards and outcomes of each grantee.

18 SECTION 10. APPROPRIATION.--Ten million dollars
19 (\$10,000,000) is appropriated from the general fund to the
20 violence intervention program fund for expenditure in fiscal
21 year 2023 and subsequent fiscal years for the purposes of the
22 fund. Any unexpended or unencumbered balance remaining at the
23 end of a fiscal year shall not revert to the general fund.