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HOUSE BILL 220

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO CORRECTIONS; PROVIDING THAT YOUTH REFERRED BY THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT ARE ELIGIBLE FOR THE JUVENILE COMMUNITY CORRECTIONS GRANT FUND.

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

SECTION 1. Section 33-9A-3 NMSA 1978 (being Laws 1988, Chapter 101, Section 41, as amended) is amended to read:

"33-9A-3. JUVENILE COMMUNITY CORRECTIONS GRANT FUND CREATED--PURPOSE--ADMINISTRATION--REPORT.--

A. There is created in the state treasury the "juvenile community corrections grant fund" to be administered by the department. All balances in the fund are appropriated to the department to carry out the purposes of the fund, and no money shall be transferred to another fund or be encumbered or disbursed in any manner except as provided in the Juvenile

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

5 B. Money in the fund shall be used by the  
6 department to make grants to counties, municipalities or  
7 private organizations, individually or jointly, to provide  
8 community corrections programs and services for the diversion  
9 of adjudicated delinquents or youth referred by the department  
10 to community-based settings. No grant shall be made to a  
11 private organization that is not a nonprofit organization  
12 without the approval of the secretary. The department may also  
13 use money in the fund to contract directly for or operate  
14 juvenile community corrections programs.

15 C. No more than ten percent of the money in the  
16 fund shall be used by the department for administration and  
17 program monitoring by the department. No more than ten percent  
18 of any grant from the fund shall be used for administrative  
19 costs incurred by the grantee.

20 D. After notice and public hearing as required by  
21 law, the secretary shall adopt ~~[regulations]~~ rules that provide  
22 standards for qualifications for grants, priorities for  
23 awarding of grants and other standards regarding juvenile  
24 community corrections programs deemed necessary. The  
25 department shall review and approve or disapprove all

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1 applications submitted pursuant to the Juvenile Community  
2 Corrections Act for a grant of funds from the fund.

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

8 F. The department may accept donations, payments,  
9 contributions, gifts or grants from whatever source for the  
10 benefit of the fund."

11 SECTION 2. Section 33-9A-4 NMSA 1978 (being Laws 1988,  
12 Chapter 101, Section 42, as amended) is amended to read:

13 "33-9A-4. APPLICATIONS--CRITERIA.--

14 A. Counties, municipalities or private  
15 organizations, individually or jointly, may apply for grants  
16 from the fund, including grants for counties or municipalities  
17 to purchase contractual services from private organizations;  
18 provided that:

19 (1) the application is for funding a program  
20 with priority use being for delinquents selected pursuant to  
21 the provisions of Section 33-9A-5 NMSA 1978;

22 (2) the applicant certifies that it is willing  
23 and able to operate the program according to standards provided  
24 by the department, which may include the negotiation of a  
25 contract between the [~~delinquent~~] child and program staff with

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1 provisions such as deductions from employment income for  
2 applicable victim restitution, family support, room and board,  
3 savings and weekly allowance. In addition to monetary  
4 restitution, to the extent practical, or if monetary  
5 restitution is not applicable, the contract may include  
6 provision for community service restitution for a specific  
7 number of hours;

8 (3) the applicant demonstrates the support of  
9 key components of the criminal justice system;

10 (4) the applicant, if a private organization,  
11 demonstrates the support of the county and municipality where  
12 the program will provide services;

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

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

20 B. Notwithstanding the provisions of Subsection A  
21 of this section, the department may utilize the fund to place  
22 individuals eligible, or within twelve months of eligibility,  
23 for parole in community-based settings. The department may, in  
24 its discretion, require participation by a delinquent in a  
25 program as a condition of supervised release.

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1 C. The department may utilize not more than twenty-  
2 five percent of the fund to contract directly for community  
3 corrections programs or to establish programs operated by the  
4 department; provided, however, that the department may utilize  
5 up to an additional ten percent of the fund to operate juvenile  
6 community corrections programs if, after a reasonable effort to  
7 solicit proposals, there are no satisfactory proposals from a  
8 community where it is determined that a program is necessary or  
9 if it becomes necessary to cancel a program as provided in the  
10 contract.

11 D. The department shall establish additional  
12 guidelines for allocation of funds under the Juvenile Community  
13 Corrections Act. An applicant shall retain the authority to  
14 accept or reject the placement of any [~~delinquent~~] child in a  
15 program."

16 SECTION 3. Section 33-9A-5 NMSA 1978 (being Laws 1988,  
17 Chapter 101, Section 43, as amended) is amended to read:

18 "33-9A-5. SELECTION PANELS.--

19 A. The department shall establish a state panel  
20 whose duties shall be to immediately screen and identify  
21 delinquents sentenced to a juvenile correctional facility of  
22 the department and transferred to the legal custody of the  
23 department, except individuals who are sentenced or transferred  
24 from a judicial district that has established a local panel to  
25 exercise these duties pursuant to the provisions of this

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1 section and who meet the following criteria:

2 (1) the offense involved is one for which  
3 community service or reasonable restitution may be made using a  
4 payment schedule compatible with the total amount of  
5 restitution to be paid and the time the offender is to  
6 participate in a program; and

7 (2) the child is willing to enter into a  
8 contract that establishes objectives that shall be achieved  
9 before release from the program.

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

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

23 D. A county, municipality or private nonprofit  
24 organization, individually or jointly, may establish a local  
25 panel to exercise the duties and responsibilities of the state

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1 panel pursuant to the provisions of Subsection A of this  
2 section and, using the same criteria as the state panel, the  
3 local panel may screen and identify ~~[delinquents]~~ participants.  
4 The composition of a local panel shall include, to the maximum  
5 extent possible, representatives of the judiciary, the  
6 administrative office of the district attorneys, the public  
7 defender department, the children, youth and families  
8 department, the county sheriff or the municipal police  
9 department, individuals representing local programs and private  
10 citizens."

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