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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL JUSTICE REFORM; ENACTING THE CRIME
REDUCTION FUND ACT; CREATING THE CRIME REDUCTION FUND;
PROVIDING FOR DISTRIBUTIONS FROM THE FUND; REQUIRING THE NEW
MEXICO SENTENCING COMMISSION TO ISSUE RULES AND REPORT ANNUALLY
TO THE LEGISLATURE; CREATING CRIMINAL JUSTICE COORDINATING
COUNCILS IN EACH JUDICIAL DISTRICT; MAKING APPROPRIATIONS.

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

SECTION 1. [NEW MATERIAL] CRIMINAL JUSTICE COORDINATING
COUNCILS CREATED--COMPOSITION--DUTIES.--

A. A "criminal justice coordinating council" for
each judicial district is created and is administratively
attached to the administrative office of the courts. The
administrative office of the courts shall provide staff for
each council.

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1 B. Each criminal justice coordinating council shall
2 be composed of the following members or their designees:

3 (1) the chief judge of the district court in
4 the judicial district;

5 (2) the chief judge of the magistrate court in
6 the judicial district;

7 (3) the district attorney of each county
8 located in the judicial district;

9 (4) the district public defender of the
10 judicial district;

11 (5) a representative from each tribe located
12 in whole or in part in the judicial district;

13 (6) the chair of the board of county
14 commissioners of each county in the judicial district;

15 (7) the mayor of each municipality located in
16 whole or in part in the judicial district;

17 (8) the county sheriff of each county in the
18 judicial district;

19 (9) the chief of each police department in the
20 judicial district;

21 (10) the director of each prison, jail or
22 detention facility located in the judicial district;

23 (11) the president of each university located
24 in whole or in part in the judicial district;

25 (12) the director of the administrative office

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1 of the courts;

2 (13) a representative of the adult probation
3 and parole division of the corrections department;

4 (14) a local representative of the children,
5 youth and families department;

6 (15) a local representative of the behavioral
7 health services division of the human services department;

8 (16) the executive director of New Mexico
9 counties;

10 (17) the executive director of the New Mexico
11 municipal league; and

12 (18) up to three members of the public
13 appointed by the chair of the council with approval of seventy-
14 five percent of the members of the council.

15 C. Each criminal justice coordinating council shall
16 elect a chair at its first meeting. The first meeting of each
17 council shall take place by August 1, 2019, and each council
18 shall subsequently meet at the call of the chair, but not less
19 than monthly.

20 D. Each criminal justice coordinating council shall
21 organize itself and adopt rules in a manner appropriate to
22 accomplish its duties pursuant to this 2019 act.

23 E. Public members of a council may receive per diem
24 and mileage pursuant to the Per Diem and Mileage Act and shall
25 receive no other compensation, perquisite or allowance.

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1 F. A criminal justice coordinating council shall
2 review the criminal justice system in the judicial district,
3 including judicial processes, law enforcement, probation and
4 parole programs, community corrections alternatives and
5 sufficiency of jail and detention facilities to identify and
6 prioritize needs and identify ways to improve the ability of
7 criminal justice agencies or organizations to carry out their
8 duties.

9 G. As used in this section, "university" means a
10 four-year post-secondary educational institution listed in
11 Article 12, Section 11 of the constitution of New Mexico,
12 including any branches thereof, or a public college or
13 community college.

14 SECTION 2. [NEW MATERIAL] SHORT TITLE.--Sections 2
15 through 8 of this act may be cited as the "Crime Reduction Fund
16 Act".

17 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
18 Crime Reduction Fund Act:

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

21 B. "cost-beneficial" means that the cost savings
22 and benefits realized over a reasonable period of time are
23 greater than the costs of implementation;

24 C. "evidence-based" means that a program or
25 practice:

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1 (1) incorporates methods demonstrated to be
2 effective for the intended population through scientifically
3 based research, including statistically controlled evaluations
4 or randomized trials;

5 (2) can be implemented with a set of
6 procedures to allow successful replication in New Mexico; and

7 (3) when possible, has been determined to be
8 cost-beneficial;

9 D. "fund" means the crime reduction fund;

10 E. "tribe" means an Indian nation, tribe or pueblo
11 located wholly or partly in New Mexico; and

12 F. "university" means a four-year post-secondary
13 educational institution listed in Article 12, Section 11 of the
14 constitution of New Mexico, including any branches thereof, or
15 a public college or community college.

16 SECTION 4. [NEW MATERIAL] CRIME REDUCTION FUND.--The
17 "crime reduction fund" is created in the state treasury. The
18 fund consists of appropriations, gifts, grants, donations and
19 income from investment of the fund. Money in the fund shall
20 not revert to any other fund at the end of a fiscal year. The
21 commission shall administer the fund. Ten percent of the money
22 in the fund is appropriated to the commission to administer the
23 provisions of the Crime Reduction Fund Act. The remaining
24 balance in the fund is appropriated to the commission for
25 distribution to counties, municipalities, tribes, courts or

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1 universities pursuant to the provisions of the Crime Reduction
2 Fund Act. Money in the fund shall be disbursed on warrants
3 signed by the secretary of finance and administration pursuant
4 to vouchers signed by the chair of the commission or the
5 chair's authorized representative.

6 SECTION 5. [NEW MATERIAL] APPLICATIONS.--A criminal
7 justice coordinating council may, with the unanimous agreement
8 of its members and with a record of attendance of one hundred
9 percent of its members at each of the previous six meetings,
10 apply to the commission on behalf of its members for
11 distributions to members from the crime reduction fund,
12 provided the criminal justice coordinating council agrees to:

13 A. share information and data with the commission
14 and between criminal justice and behavioral health agencies as
15 permitted by law;

16 B. in consultation with the commission, develop
17 data-sharing agreements and methods of data sharing among
18 criminal justice and behavioral health agencies to allow
19 system-wide analysis of criminal justice and behavioral health
20 operations within the judicial district and statewide; and

21 C. collect and provide monthly the following
22 information to the commission:

23 (1) reported crimes as defined by the uniform
24 crime reporting program of the federal bureau of investigation;

25 (2) jail bookings by charge code;

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1 (3) magistrate court new cases opened,
2 probable cause found and disposition;

3 (4) district court new cases opened, probable
4 cause found and disposition;

5 (5) sentences to jail, prison, probation or
6 deferred; and

7 (6) probation and parole violations and
8 revocations by condition of violation.

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

10 A. Annually, on or before April 15, the commission
11 shall consider and determine the relative needs as requested by
12 criminal justice coordinating councils on behalf of members for
13 distributions of money in the fund.

14 B. The commission shall distribute not more than
15 eleven and twenty-five hundredths percent of the money in the
16 fund annually, not including ten percent of the money in the
17 fund reserved for administration of the Crime Reduction Fund
18 Act, for each of the following purposes:

19 (1) to develop, expand and improve evidence-
20 based treatment and supervision alternatives to incarceration;

21 (2) to reduce barriers to participation by
22 criminal offenders in preprosecution diversion or specialty
23 court programs;

24 (3) to develop or improve coordination of
25 services between law enforcement agencies and treatment

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1 programs;

2 (4) to establish law enforcement crisis
3 intervention teams;

4 (5) to provide access to transitional or
5 reentry homes for individuals recently released from
6 incarceration;

7 (6) to develop or improve pretrial service
8 programs;

9 (7) to recruit or retain law enforcement
10 officers, prosecutors, public defenders, corrections officers
11 and mental health workers; or

12 (8) to purchase equipment to support any of
13 the purposes provided in this section.

14 C. The commission may distribute money from the
15 fund to a county, municipality, tribe, court or university for
16 any purpose described in Subsection B of this section; provided
17 that a distribution is conditioned upon agreement by the
18 county, municipality, tribe, court or university that it will:

19 (1) not use more than ten percent of a
20 distribution from the fund for administrative costs;

21 (2) collect and share data as required by
22 commission rule;

23 (3) use evidence-based best practices for any
24 programs operated with distributions from the fund;

25 (4) in consultation with the commission,

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1 evaluate the efficacy of the use of the money in real time; and

2 (5) provide a report to the commission by
3 October 1 of each year regarding outcomes from its use of the
4 money distributed.

5 D. The commission may consider any outcome reported
6 to it by a county, municipality, tribe, court or university
7 from a previous year in making a determination of whether to
8 distribute, or the amount to distribute, to that entity.

9 SECTION 7. [NEW MATERIAL] RULES.--The commission shall
10 adopt rules necessary to administer the provisions of the Crime
11 Reduction Fund Act.

12 SECTION 8. [NEW MATERIAL] REPORTS.--The commission shall
13 report to the legislature annually by December 1 of each year
14 regarding the:

15 A. requests made during the previous fiscal year by
16 each criminal justice coordinating council on behalf of
17 counties, municipalities, tribes, courts or universities for
18 distributions of money in the fund;

19 B. distribution amounts from the fund approved by
20 the commission for each county, municipality, tribe, court or
21 university for the previous fiscal year;

22 C. purpose of each distribution approved for the
23 previous fiscal year; and

24 D. outcomes resulting from the use of the money
25 distributed during the previous fiscal year, including:

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1 (1) failures to appear for mandatory court
2 proceedings;

3 (2) alleged new crimes committed by defendants
4 with open misdemeanor or felony cases;

5 (3) referrals, placement and completion for
6 diversion programs; and

7 (4) the percentage of parolees and
8 probationers who obtain housing and employment or enrollment in
9 education within six months from release or the start of the
10 probationary period.

11 SECTION 9. APPROPRIATION.--Five million dollars
12 (\$5,000,000) is appropriated from the general fund to the crime
13 reduction fund for expenditure in fiscal year 2020 and
14 subsequent fiscal years for the purposes of that fund. Any
15 unexpended or unencumbered balance remaining at the end of a
16 fiscal year shall not revert to the general fund.

17 SECTION 10. APPROPRIATION.--Nine hundred seventy-five
18 thousand dollars (\$975,000) is appropriated from the general
19 fund to the administrative office of the courts for expenditure
20 in fiscal year 2020 to provide administrative support to each
21 criminal justice coordinating council created pursuant to the
22 Crime Reduction Fund Act. Any unexpended or unencumbered
23 balance remaining at the end of fiscal year 2020 shall revert
24 to the general fund.

25 SECTION 11. EFFECTIVE DATE.--The effective date of the
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1 provisions of this act is July 1, 2019.

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