

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 267

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

AN ACT

RELATING TO CRIMINAL JUSTICE REFORM; REQUIRING THE NEW MEXICO
SENTENCING COMMISSION TO CREATE A DATA-SHARING NETWORK FOR
CRIMINAL JUSTICE DATA; ADDING THREE MEMBERS TO THE NEW MEXICO
SENTENCING COMMISSION; AMENDING A SECTION OF THE MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES CODE; SPECIFYING THAT
PHOTOGRAPHS, FINGERPRINTS AND PALM PRINTS ARE BIOMETRIC
IDENTIFYING INFORMATION OF AN ARRESTED PERSON; PROVIDING
REQUIREMENTS FOR THE CONTENT AND DISPOSITION OF ARREST RECORDS;
REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO SHARE DATA WITH
THE NEW MEXICO SENTENCING COMMISSION; ENACTING THE CRIME
REDUCTION GRANT ACT; CREATING CRIMINAL JUSTICE COORDINATING
COUNCILS IN EACH JUDICIAL DISTRICT; REQUIRING CERTAIN STATE
AGENCIES TO ISSUE RULES AND REPORT ANNUALLY; MAKING AN
APPROPRIATION.

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

2 SECTION 1. Section 9-3-10 NMSA 1978 (being Laws 1977,
3 Chapter 257, Section 11, as amended) is amended to read:

4 "9-3-10. NEW MEXICO SENTENCING COMMISSION--CREATION--
5 MEMBERSHIP--DUTIES.--

6 A. There is created the "New Mexico sentencing
7 commission".

8 B. The New Mexico sentencing commission shall be
9 composed of [~~twenty-four~~] twenty-seven members. Appointed
10 members shall serve at the pleasure of the appointing
11 authority. The commission shall reflect reasonable
12 geographical and urban-rural balances and regard for the
13 incidence of crime and the distribution and concentration of
14 law enforcement services in the state. The commission shall
15 consist of the following individuals or their designees:

16 (1) the attorney general;

17 (2) a district attorney appointed by the New
18 Mexico district [~~attorneys~~] attorney's association [~~of New~~
19 ~~Mexico~~] or its successor agency;

20 (3) the chief public defender;

21 (4) two district court judges, one of whom
22 shall be a children's court judge, appointed by the district
23 [~~court judge's~~] and metropolitan judges association [~~of New~~
24 ~~Mexico~~] or its successor agency;

25 (5) a magistrate judge [~~from the court of~~

1 ~~appeals]~~ appointed by the chief ~~[judge of the court of appeals]~~
 2 justice of the supreme court;

3 (6) the dean of the university of New Mexico
 4 school of law;

5 (7) the secretary of corrections;

6 (8) the secretary of public safety;

7 (9) the secretary of children, youth and
 8 families;

9 (10) the secretary of public education;

10 (11) a representative from the behavioral
 11 health services division of the human services department;

12 [~~(11)~~] (12) a county sheriff appointed by the
 13 executive director of ~~[the]~~ New Mexico ~~[association of]~~
 14 counties;

15 [~~(12)~~] (13) two public members appointed by
 16 the governor, one of whom shall be designated as chair of the
 17 New Mexico sentencing commission by the governor;

18 [~~(13)~~] (14) three public members appointed by
 19 the president pro tempore of the senate;

20 (15) one public member appointed by the
 21 minority floor leader of the senate;

22 [~~(14)~~] (16) three public members appointed by
 23 the speaker of the house of representatives;

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

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1 [~~(15)~~] (18) two public members appointed by
2 the chief justice of the supreme court;

3 [~~(16)~~] (19) one public member who is Native
4 American and a practicing attorney, appointed by the president
5 of the state bar association; and

6 [~~(17)~~] (20) one public member appointed by the
7 governor who is a representative of a New Mexico [~~victim~~]
8 victims' organization.

9 C. A majority of the members of the New Mexico
10 sentencing commission constitutes a quorum for the transaction
11 of commission business.

12 D. The New Mexico sentencing commission shall:

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

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

17 (3) prepare an annual budget;

18 (4) establish policies for the operation of
19 the commission and supervision of the activities of commission
20 staff;

21 (5) advise the executive, judicial and
22 legislative branches of government on policy matters relating
23 to criminal and juvenile justice;

24 (6) make recommendations to the legislature
25 concerning proposed changes to laws relating to the criminal

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1 and juvenile justice systems that the commission determines
2 would improve those systems;

3 (7) annually assess, monitor and report to the
4 legislature on the impact of any enacted sentencing standards
5 and guidelines on state and local correctional resources and
6 programs and the need for further sentencing reform;

7 (8) when developing proposed sentencing
8 reform:

9 (a) study sentencing models in other
10 jurisdictions;

11 (b) study the Criminal Sentencing Act,
12 the Criminal Code and all other New Mexico statutes relating to
13 criminal law, criminal sentencing, criminal procedure and
14 probation and parole;

15 (c) review past studies or reports
16 regarding proposed changes to the Children's Code, the Criminal
17 Code, the Criminal Sentencing Act or other New Mexico statutes
18 relating to criminal law, criminal sentencing, criminal
19 procedure or probation and parole;

20 (d) study past and current criminal
21 sentencing and release practices and create a statistical
22 database for simulating the impact of various sentencing
23 policies;

24 (e) study the full range of prison,
25 nonprison and intermediate sanctions;

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1 (f) determine the principal purpose for
2 criminal sanctions;

3 (g) rank criminal offenses by degree of
4 seriousness;

5 (h) determine the role of criminal
6 history in making criminal sentencing decisions;

7 (i) define dispositional policy that
8 determines when adult felony offenders are confined in state
9 prisons and county jails or sentenced to nonprison and
10 intermediate sanctions;

11 (j) establish the length of criminal
12 sentences;

13 (k) establish the appropriate use of
14 community service and fines;

15 (l) structure proposed sentencing
16 guidelines to ensure consistency in all aspects of criminal
17 sentencing policy;

18 (m) assess the impact of commission
19 recommendations to modify criminal sentencing policy on the
20 availability of and need for correctional resources and
21 programs;

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

24 (o) present proposed legislation or
25 recommendations regarding sentencing reform to the appropriate

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1 legislative interim committee;

2 (9) monitor any enacted sentencing guidelines
3 with respect to uniformity and proportionality;

4 (10) conduct research relating to the use and
5 effectiveness of any enacted guidelines, prosecution standards,
6 offense charging, plea bargaining, sentencing practices,
7 probation and parole practices and any other matters relating
8 to the criminal justice system;

9 (11) serve as a clearinghouse for the
10 systematic collection, analysis and dissemination of
11 information relating to felony offense charges, plea
12 agreements, convictions, sentences imposed, incarceration time
13 actually served and actual and projected inmate population in
14 the state correctional system;

15 (12) review all proposed legislation that
16 creates a new criminal offense, changes the classification of
17 an offense or changes the range of punishments for an offense
18 and make recommendations to the legislature as to whether
19 proposed changes would improve the criminal and juvenile
20 justice system; [~~and~~]

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

25 (14) create and maintain a data-sharing

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1 network to receive, store, analyze and disseminate criminal
2 justice data for and between participating criminal justice and
3 behavioral health agencies for the purpose of evaluating local
4 and statewide criminal justice systems and programs and
5 supporting, encouraging and accomplishing information sharing
6 among criminal justice agencies and criminal justice
7 coordinating councils;

8 (15) provide data analysis as requested by
9 criminal justice agencies and criminal justice coordinating
10 councils; and

11 (16) promulgate rules governing the data-
12 sharing network and data analysis pursuant to Paragraphs (14)
13 and (15) of this subsection. The rules shall include
14 procedures to:

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

22 (b) guide participating agencies to
23 ensure accuracy, completeness, currency and reliability of
24 information reported to the data-sharing network;

25 (c) allow data querying and reporting

1 tools for those authorized users who want to perform
2 statistical analysis of some of the data collected and
3 retained;

4 (d) provide safeguards to actively
5 monitor and record: 1) access and use of the network's
6 services and systems; and 2) the nature of information
7 exchanges using the network; and

8 (e) identify and recognize authorized
9 users who access the network.

10 E. The members of the New Mexico sentencing
11 commission shall be paid pursuant to the Per Diem and Mileage
12 Act and shall receive no other perquisite, compensation or
13 allowance.

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

16 SECTION 2. Section 29-3-8 NMSA 1978 (being Laws 1978,
17 Chapter 87, Section 1, as amended) is amended to read:

18 "29-3-8. [~~FINGERPRINT AND PALM PRINT IMPRESSIONS~~]
19 BIOMETRIC IDENTIFYING INFORMATION OF PERSONS ARRESTED--STATE
20 ARREST RECORDS--DISPOSITION.--

21 A. A [~~person arrested for~~] booking facility shall
22 electronically collect biometric identifying information from a
23 person arrested for the following crimes prior to the person's
24 release:

25 (1) the commission of a criminal offense

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1 amounting to a felony [~~under the laws of this state or any~~
2 ~~other jurisdiction shall be required by the arresting peace~~
3 ~~officer or the jail to make fingerprint and palm print~~
4 ~~impressions prior to the person's release. The arresting peace~~
5 ~~officer or the jail shall obtain fingerprint and palm print~~
6 ~~impressions and a photograph];~~

7 (2) the commission of a criminal offense not
8 amounting to a felony but punishable by imprisonment for more
9 than six months under the laws of the state or a political
10 subdivision of the state; or

11 (3) the violation of a provision of Section
12 66-8-102 NMSA 1978 or the violation of a municipal or county
13 ordinance prescribing criminal penalties for driving while
14 under the influence of intoxicating liquor or drugs.

15 B. Biometric identifying information shall be
16 obtained each time a person is arrested.

17 C. At the time [of fingerprinting and palm
18 printing] biometric identifying information is collected, the
19 booking facility shall create an arrest record with a state
20 arrest tracking number [~~shall be assigned to the fingerprint~~
21 ~~and palm print records and the booking sheet.~~

22 ~~B. A person arrested for the commission of a~~
23 ~~criminal offense not amounting to a felony but punishable by~~
24 ~~imprisonment for more than six months under the laws of this~~
25 ~~state or any political subdivision shall be required by the~~

1 ~~arresting peace officer or the jail to make fingerprint and~~
2 ~~palm print impressions prior to the person's release. The~~
3 ~~arresting peace officer or the jail shall obtain fingerprint~~
4 ~~and palm print impressions and a photograph each time a person~~
5 ~~is arrested. At the time of fingerprinting and palm printing,~~
6 ~~a state tracking number shall be assigned to the fingerprint~~
7 ~~and palm print records and the booking sheet.~~

8 ~~G. A person arrested for violating a provision of~~
9 ~~Section 66-8-102 NMSA 1978 or committing a violation of a~~
10 ~~municipal or county ordinance prescribing criminal penalties~~
11 ~~for driving while under the influence of intoxicating liquor or~~
12 ~~drugs shall be required by the arresting peace officer or the~~
13 ~~jail to make fingerprint and palm print impressions prior to~~
14 ~~the person's release. The arresting peace officer or the jail~~
15 ~~shall obtain fingerprint and palm print impressions and a~~
16 ~~photograph each time a person is arrested. At the time of~~
17 ~~fingerprinting and palm printing, a state tracking number shall~~
18 ~~be assigned to the fingerprint and palm printing records and~~
19 ~~the booking sheet.~~

20 ~~D. Fingerprint and palm print impressions shall be~~
21 ~~made pursuant to rules adopted by the department. Fingerprint~~
22 ~~and palm print record submission policies and a state tracking~~
23 ~~number system for fingerprint and palm print records shall be~~
24 ~~implemented pursuant to rules adopted by the department. All~~
25 ~~felony, misdemeanor and DWI arrest fingerprints and palm prints~~

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1 ~~shall be made in duplicate. Both copies and a photograph of~~
2 ~~the person arrested shall be forwarded to the department within~~
3 ~~five days following the date of arrest.]~~ provided by the
4 department. The arrest record shall include:

5 (1) the date of arrest;

6 (2) the state arrest tracking number assigned
7 to the arrest record;

8 (3) the state personal identification number
9 assigned to the arrestee by the department;

10 (4) the arrestee's biometric identifying
11 information; and

12 (5) a completed description with charge code
13 of each offense charged.

14 D. The department shall promulgate rules
15 addressing:

16 (1) collection of biometric identifying
17 information;

18 (2) submission of biometric identifying
19 information;

20 (3) creation of a state personal
21 identification number system to identify a person arrested and
22 charged with a crime and ensure that the same state personal
23 identification number is assigned to the person regardless of
24 the number of times the person is arrested or the location of
25 the arrest within the state; and

1 (4) creation of a state arrest tracking number
2 system for each arrest record.

3 E. At booking, the booking facility shall
4 immediately forward the arrest record and any other information
5 required by department rule to the department.

6 F. The department shall ~~[forward one copy]~~
7 immediately provide the:

8 (1) biometric identifying information to the
9 federal bureau of investigation in Washington, D.C.;

10 (2) state personal identification number to
11 agencies at all levels of government that are engaged in the
12 apprehension, prosecution or defense, adjudication,
13 incarceration or rehabilitation of criminal offenders; and

14 (3) arrest record to the administrative office
15 of the district attorneys for submission to the appropriate
16 prosecuting authority.

17 ~~[E.]~~ G. Biometric identifying information shall be
18 collected from an inmate who is charged with a felony or
19 misdemeanor offense while incarcerated ~~[shall be fingerprinted,~~
20 ~~palm printed and photographed]~~, and the jail or corrections
21 facility shall forward the offender's ~~[fingerprint and palm~~
22 ~~print records and photograph]~~ biometric identifying information
23 to the department.

24 ~~[F.]~~ H. The administrative office of the courts
25 shall provide to the department the disposition of all criminal

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1 cases assigned a state arrest tracking number. The disposition
2 shall be provided in electronic format, promptly upon the
3 conclusion of the case.

4 ~~[G.]~~ I. The administrative office of the district
5 attorneys shall provide to the department the disposition of
6 all criminal cases assigned a state arrest tracking number when
7 the district attorney decides not to file charges in the case.
8 The disposition shall be provided in electronic format promptly
9 upon a district attorney's decision not to file charges in the
10 case.

11 J. The department shall forward the disposition of
12 all criminal cases to the federal bureau of investigation and
13 the national crime information center within five business days
14 of receipt.

15 ~~[H.]~~ K. Law enforcement agencies, the
16 administrative office of the courts and the administrative
17 office of the district attorneys ~~[may]~~ shall allow the
18 department access to their records for the purpose of auditing
19 those records to ensure compliance with the provisions of this
20 section.

21 L. As used in this section:

22 (1) "biometric identifying information" means
23 physical characteristics used in verifying the identity of an
24 individual, including photographs, fingerprint impressions and
25 palm print impressions;

1 (2) "booking facility" means a jail, police
2 station, sheriff's office or other place of detention;

3 (3) "charge code" means the unique code
4 assigned to the crime from the master charge code table
5 distributed by the New Mexico justice information sharing
6 council;

7 (4) "state arrest tracking number" means an
8 incident-based unique number assigned to the arrest; and

9 (5) "state personal identification number"
10 means a unique number assigned to the arrestee based on the
11 arrestee's biometric identifying information."

12 SECTION 3. Section 29-3-11 NMSA 1978 (being Laws 2007,
13 Chapter 37, Section 1) is amended to read:

14 "29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--
15 DUTIES OF DEPARTMENT.--

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

22 B. The department shall:

23 (1) compile statistical data and forward such
24 data as required to the federal bureau of investigation or the
25 appropriate department of justice agency in accordance with

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1 standards and procedures of the national system;

2 (2) provide forms, standards and procedures
3 and related training to state and local law enforcement
4 agencies as necessary for the agencies to report incident and
5 arrest activity for inclusion in the statewide system;

6 (3) in conjunction with the New Mexico
7 sentencing commission, annually publish a report on the nature
8 and extent of crime in New Mexico and submit the report to the
9 governor and to the legislature;

10 (4) maintain the privacy and security of
11 information in accordance with applicable state and federal
12 laws; ~~and~~

13 (5) provide the New Mexico sentencing
14 commission access to the data collected and maintained by the
15 department; and

16 ~~[(5)]~~ (6) establish rules as necessary to
17 implement the provisions of this section.

18 C. Every law enforcement agency in the state shall:

19 (1) submit crime incident reports to the
20 department of public safety on forms or in the format
21 prescribed by the department;

22 (2) submit any other crime incident
23 information as may be required by the department of public
24 safety; and

25 (3) use the ~~[state uniform statutory charge~~

1 ~~codes~~] unique code assigned to the crime from the master charge
 2 code table distributed by the New Mexico justice information
 3 sharing council for the automated fingerprint identification
 4 system and use uniform crime incident reporting as provided by
 5 the department for all incidents and arrests.

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

10 SECTION 4. Section 43-1-19 NMSA 1978 (being Laws 1977,
 11 Chapter 279, Section 18, as amended) is amended to read:

12 "43-1-19. DISCLOSURE OF INFORMATION.--

13 A. Except as otherwise provided in the code, no
 14 person shall, without the authorization of the client, disclose
 15 or transmit any confidential information from which a person
 16 well acquainted with the client might recognize the client as
 17 the described person, or any code, number or other means that
 18 can be used to match the client with confidential information
 19 regarding the client.

20 B. Authorization from the client shall not be
 21 required for the disclosure or transmission of confidential
 22 information in the following circumstances:

23 (1) when the request is from a mental health
 24 or developmental [~~disability~~] disabilities professional or from
 25 an employee or trainee working with a person with a mental

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1 disability or developmental disability, to the extent that the
2 practice, employment or training on behalf of the client
3 requires access to such information is necessary;

4 (2) when such disclosure is necessary to
5 protect against a clear and substantial risk of imminent
6 serious physical injury or death inflicted by the client on the
7 client's self or another;

8 (3) when the disclosure is made pursuant to
9 the provisions of the Assisted Outpatient Treatment Act, using
10 reasonable efforts to limit protected health information to
11 that which is minimally necessary to accomplish the intended
12 purpose of the use, disclosure or request;

13 (4) when the disclosure of such information is
14 to the primary caregiver of the client and the disclosure is
15 only of information necessary for the continuity of the
16 client's treatment in the judgment of the treating physician or
17 certified psychologist who discloses the information; ~~[or]~~

18 (5) when such disclosure is to an insurer
19 contractually obligated to pay part or all of the expenses
20 relating to the treatment of the client at the residential
21 facility. The information disclosed shall be limited to data
22 identifying the client, facility and treating or supervising
23 physician and the dates and duration of the residential
24 treatment. It shall not be a defense to an insurer's
25 obligation to pay that the information relating to the

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1 residential treatment of the client, apart from information
2 disclosed pursuant to this section, has not been disclosed to
3 the insurer;

4 (6) when the request is from a physician, a
5 licensed psychologist or a qualified mental health professional
6 licensed for independent practice and responsible for the
7 continuity of care of inmates with a mental or developmental
8 disability who are in a jail or corrections facility, and the
9 disclosure is only of information necessary for the continuity
10 of the client's treatment in the judgment of an equally
11 qualified treating professional who discloses the information;

12 (7) when such disclosure is by a physician, a
13 licensed psychologist or a qualified mental health professional
14 licensed for independent practice and responsible for the
15 treatment of inmates in a jail or corrections facility to
16 another equally qualified treating professional responsible for
17 the continuation of care of the inmate upon the inmate's
18 release from a jail or corrections facility, and the disclosure
19 is only of information necessary for the continuity of the
20 client's treatment in the judgment of the treating professional
21 who discloses the information; or

22 (8) when the disclosure is made to a
23 governmental agency, its agent or a state educational
24 institution, a duly organized state or county association of
25 licensed physicians or dentists, a licensed health facility or

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1 staff committees of such a facility for the purpose of
2 research, subject to the provisions of Section 14-6-1 NMSA 1978
3 and subject to the review of an institutional review board in
4 compliance with the federal Health Insurance Portability and
5 Accountability Act of 1996 or any succeeding legislation.

6 C. No authorization given for the transmission or
7 disclosure of confidential information shall be effective
8 unless it:

9 (1) is in writing and signed; and

10 (2) contains a statement of the client's right
11 to examine and copy the information to be disclosed, the name
12 or title of the proposed recipient of the information and a
13 description of the use that may be made of the information.

14 D. The client has a right of access to confidential
15 information and has the right to make copies of any information
16 and to submit clarifying or correcting statements and other
17 documentation of reasonable length for inclusion with the
18 confidential information. The statements and other
19 documentation shall be kept with the relevant confidential
20 information, shall accompany it in the event of disclosure and
21 shall be governed by the provisions of this section to the
22 extent they contain confidential information. Nothing in this
23 subsection shall prohibit the denial of access to such records
24 when a physician or other mental health or developmental
25 disabilities professional believes and notes in the client's

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1 medical records that such disclosure would not be in the best
2 interests of the client. In any such case, the client has the
3 right to petition the court for an order granting such access.

4 E. Where there exists evidence that the client
5 whose consent to disclosure of confidential information is
6 sought is incapable of giving or withholding valid consent and
7 the client does not have a guardian or treatment guardian
8 appointed by a court, the person seeking such authorization
9 shall petition the court for the appointment of a treatment
10 guardian to make a substitute decision for the client, except
11 that if the client is less than fourteen years of age, the
12 client's parent or guardian is authorized to consent to
13 disclosure on behalf of the client.

14 F. Information concerning a client disclosed under
15 this section shall not be released to any other person, agency
16 or governmental entity or placed in files or computerized data
17 banks accessible to any persons not otherwise authorized to
18 obtain information under this section.

19 G. Nothing in the code shall limit the
20 confidentiality rights afforded by federal statute or
21 regulation.

22 H. A person appointed as a treatment guardian in
23 accordance with the Mental Health and Developmental
24 Disabilities Code may act as the client's personal
25 representative pursuant to the federal Health Insurance

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1 Portability and Accountability Act of 1996, Sections
2 1171-1179 of the Social Security Act, 42 U.S.C. Section 1320d,
3 as amended, and applicable federal regulations to obtain access
4 to the client's protected health information, including mental
5 health information and relevant physical health information,
6 and may communicate with the client's health care providers in
7 furtherance of such treatment."

8 SECTION 5. [NEW MATERIAL] SHORT TITLE.--Sections 5
9 through 10 of this act may be cited as the "Crime Reduction
10 Grant Act".

11 SECTION 6. [NEW MATERIAL] DEFINITIONS.--As used in the
12 Crime Reduction Grant Act:

13 A. "commission" means the New Mexico sentencing
14 commission; and

15 B. "grant administration agency" means a state
16 agency that receives appropriations for grants to criminal
17 justice coordinating council members for the purposes specified
18 in the Crime Reduction Grant Act.

19 SECTION 7. [NEW MATERIAL] CRIMINAL JUSTICE COORDINATING
20 COUNCILS CREATED--COMPOSITION--DUTIES.--

21 A. A criminal justice coordinating council is
22 created for each judicial district and may include
23 representation from within the district for:

- 24 (1) each court in the district;
25 (2) the district attorney;

- 1 (3) the district public defender office;
- 2 (4) law enforcement agencies;
- 3 (5) jails;
- 4 (6) correctional facilities;
- 5 (7) behavioral health programs; or
- 6 (8) other agencies and entities agreed upon by
- 7 the council.

8 B. Each criminal justice coordinating council shall
9 be convened by the chief judge of the district court in the
10 judicial district.

11 C. Each criminal justice coordinating council shall
12 select a chair at its first meeting. The first meeting of each
13 council shall take place by August 1, 2019, and the council
14 shall subsequently meet at the call of the chair, but not less
15 than ten months per year.

16 D. Each criminal justice coordinating council shall
17 organize itself and adopt rules in a manner appropriate to
18 accomplish its duties pursuant to the Crime Reduction Grant
19 Act.

20 E. A criminal justice coordinating council shall,
21 to the extent possible, develop a strategic plan to meet the
22 requirements of this section and shall:

- 23 (1) review the criminal justice system in the
- 24 judicial district, including judicial processes, law
- 25 enforcement, community corrections alternatives and sufficiency

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1 of jail and detention facilities;

2 (2) identify criminal justice system problems
3 in the judicial district;

4 (3) develop data-driven policies and evidence-
5 based best practices designed to improve public safety
6 outcomes, cost-effective responses to crime and fair and
7 efficient adjudication processes;

8 (4) apply as necessary to grant administration
9 agencies for crime reduction grants pursuant to the Crime
10 Reduction Grant Act;

11 (5) facilitate sharing of criminal justice
12 information between agencies as permitted by law; and

13 (6) in consultation with the commission,
14 develop data-sharing agreements and methods of data sharing to
15 allow system-wide analysis of criminal justice operations
16 within the judicial district and throughout the state.

17 F. Executive agencies and the administrative office
18 of the courts shall provide prompt responses to criminal
19 justice coordinating council requests for information.

20 **SECTION 8. [NEW MATERIAL] APPLICATIONS FOR GRANTS--**
21 **PURPOSES--CONDITIONS.--**

22 A. A member of a criminal justice coordinating
23 council with the consent of the council may apply to a grant
24 administration agency for a grant to accomplish any of the
25 enumerated purposes provided in Subsection B of this section.

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1 B. Crime reduction grants may be made to:

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

4 (2) reduce barriers to participation by
5 criminal offenders in preprosecution diversion or specialty
6 court programs;

7 (3) develop or improve coordination of
8 services between law enforcement agencies and treatment
9 programs;

10 (4) establish law enforcement crisis
11 intervention teams;

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

14 (6) develop or improve pretrial service
15 programs;

16 (7) recruit or retain law enforcement
17 officers, prosecutors, public defenders, corrections officers
18 and mental health workers;

19 (8) purchase equipment or provide training to
20 support any of the purposes provided in this section;

21 (9) develop or expand data-driven policing
22 programs; and

23 (10) staff a criminal justice coordinating
24 council.

25 C. Crime reduction grants shall be conditioned on

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1 the criminal justice coordinating council and the recipient
2 member complying with the following:

3 (1) using not more than five percent of a
4 grant for administrative costs of the recipient;

5 (2) in consultation with the commission,
6 developing data-sharing agreements and methods of data sharing
7 among criminal justice agencies and with the commission to
8 allow system-wide analysis of criminal justice operations
9 within the judicial district and statewide;

10 (3) using or developing evidence-based best
11 practices for any programs operated with crime reduction
12 grants;

13 (4) developing performance measures in
14 consultation with the commission and the grant administration
15 agency relevant to the grantee's application;

16 (5) collecting data to evaluate the
17 effectiveness of programs operated with crime reduction grants;

18 (6) evaluating quarterly the process, outputs,
19 outcomes and other performance measures of programs funded with
20 grants for compliance with all provisions of the Crime
21 Reduction Grant Act;

22 (7) providing a quarterly report to the
23 commission for review and comparison with other programs
24 receiving grants for similar purposes; and

25 (8) providing an annual report to the grant

1 administration agency by October 1 of each year regarding
2 program outcomes from use of the grant.

3 D. The commission shall assist with the
4 implementation of data-sharing agreements to ensure compliance
5 with crime reduction grants.

6 E. Each grant administration agency shall identify
7 and require the use or development of evidence-based best
8 practices for programs operated with crime reduction grants
9 distributed by that grant administration agency.

10 F. A grant administration agency may consider any
11 outcome reported to it by a grant recipient from a previous
12 year in making a determination of whether to make subsequent
13 grants or the amount of a subsequent grant.

14 SECTION 9. [NEW MATERIAL] RULES.--The New Mexico
15 sentencing commission, in consultation with each grant
16 administration agency, shall promulgate uniform procedural
17 rules necessary to administer the provisions of the Crime
18 Reduction Grant Act. Each grant administration agency shall
19 adopt the uniform procedures along with other grant award
20 criteria unique to the grant administration agency.

21 SECTION 10. [NEW MATERIAL] REPORTS.--

22 A. Each grant administration agency shall report to
23 the commission annually by November 1 of each year regarding
24 the:

25 (1) applications for grants made during the

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1 previous fiscal year by each criminal justice coordinating
2 council;

3 (2) purpose and amount of each grant approved
4 by the grant administration agency for each member for the
5 previous fiscal year; and

6 (3) processes, outputs and outcomes resulting
7 from the use of the grant.

8 B. The commission shall report to the legislature
9 annually by December 1 of each year regarding the data-sharing
10 network, including data derived from crime reduction grant
11 data-sharing agreements.

12 SECTION 11. APPROPRIATIONS.--

13 A. Sixteen million eight hundred twenty thousand
14 three hundred fifty dollars (\$16,820,350) is appropriated from
15 the general fund to the following agencies as grant
16 administration agencies for expenditure in fiscal year 2020;
17 provided that the grant administration agency shall not
18 allocate more than five percent of the appropriation for
19 administration expenses:

20 (1) nine hundred seventy-five thousand dollars
21 (\$975,000) to the administrative office of the courts to
22 allocate up to seventy-five thousand dollars (\$75,000) to each
23 criminal justice coordinating council in addition to other
24 funding received for staff to support the council;

25 (2) three million dollars (\$3,000,000) to the

1 administrative office of the courts for pretrial services;

2 (3) five hundred thousand dollars (\$500,000)
3 to the administrative office of the district attorneys for
4 crime reduction grants to reduce financial barriers to
5 participation by criminal offenders in preprosecution diversion
6 programs;

7 (4) nine hundred sixty thousand six hundred
8 dollars (\$960,600) to the administrative office of the district
9 attorneys for crime reduction grants to recruit and retain
10 prosecutors in areas of need within a county having fewer than
11 one hundred fifty thousand residents according to the most
12 recent federal decennial census;

13 (5) six hundred thousand dollars (\$600,000) to
14 the public defender department for crime reduction grants to
15 improve representation in areas of need within a county having
16 fewer than one hundred fifty thousand residents according to
17 the most recent federal decennial census;

18 (6) two hundred fifty thousand dollars
19 (\$250,000) to the public defender department for crime
20 reduction grants to expand social work and case management
21 services in areas of need within a county having fewer than one
22 hundred fifty thousand residents according to the most recent
23 federal decennial census to address causes of recidivism;

24 (7) two million eight hundred twenty-six
25 thousand dollars (\$2,826,000) to the New Mexico sentencing

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1 commission for crime reduction grants to support a criminal
2 justice data-sharing network, including staffing, equipment and
3 necessary programming for program evaluations;

4 (8) three million five hundred fifty-eight
5 thousand seven hundred fifty dollars (\$3,558,750) to the
6 behavioral health services division of the human services
7 department for crime reduction grants to provide transitional
8 reentry homes for individuals recently released from a
9 correctional facility;

10 (9) one million one hundred fifty thousand
11 dollars (\$1,150,000) to the behavioral health services division
12 of the human services department for crime reduction grants to
13 establish pre-arrest diversion programs;

14 (10) one million dollars (\$1,000,000) to the
15 behavioral health services division of the human services
16 department for crime reduction grants to establish residential
17 crisis triage centers and outpatient crisis stabilization
18 services;

19 (11) one million five hundred thousand dollars
20 (\$1,500,000) to the behavioral health services division of the
21 human services department for crime reduction grants to
22 establish, recruit and retain mental health workers in areas of
23 the state with less than one hundred fifty thousand residents
24 according to the most recent federal decennial census; and

25 (12) five hundred thousand dollars (\$500,000)

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1 to the behavioral health services division of the human
2 services department for crime reduction grants to provide
3 programs in public schools in grades one through three that are
4 evidence-based, promote behavioral self-regulation and have a
5 demonstrated record of success.

6 B. Any unexpended or unencumbered balance remaining
7 at the end of fiscal year 2020 shall revert to the general
8 fund.

9 SECTION 12. APPROPRIATION.--Two hundred sixty thousand
10 dollars (\$260,000) is appropriated from the general fund to the
11 administrative office of the district attorneys for expenditure
12 in fiscal year 2020 and subsequent fiscal years to replace the
13 loss of fees from preprosecution diversion programs. Any
14 unexpended or unencumbered balance remaining at the end of a
15 fiscal year shall not revert to the general fund.

16 SECTION 13. APPROPRIATION.--Seven million eight hundred
17 fifty-seven thousand eight hundred dollars (\$7,857,800) is
18 appropriated from the general fund to the corrections
19 department for expenditure in fiscal year 2020 for crime
20 reduction grants to recruit, train and retain correctional
21 officers. Any unexpended or unencumbered balance remaining at
22 the end of fiscal year 2020 shall revert to the general fund.

23 SECTION 14. APPROPRIATION.--Three million dollars
24 (\$3,000,000) is appropriated from the general fund to the
25 department of public safety for expenditure in fiscal year 2020

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1 for crime reduction grants to recruit, train and equip law
2 enforcement officers in areas of the state with less than two
3 hundred fifty thousand residents according to the most recent
4 federal decennial census. Any unexpended or unencumbered
5 balance remaining at the end of fiscal year 2020 shall revert
6 to the general fund.

7 **SECTION 15. APPROPRIATION.**--One million dollars
8 (\$1,000,000) is appropriated from the general fund to the New
9 Mexico sentencing commission for expenditure in fiscal year
10 2020 and subsequent fiscal years to contract with an entity
11 specializing in data networks and data analysis to create,
12 implement and develop a criminal justice data-sharing network.
13 Any unexpended or unencumbered balance remaining at the end of
14 a fiscal year shall not revert to the general fund.

15 **SECTION 16. APPROPRIATION.**--Seven hundred thousand
16 dollars (\$700,000) is appropriated from the general fund to the
17 department of public safety for expenditure in fiscal year 2020
18 for case disposition reporting, data sharing and augmenting the
19 consolidated offender query system. Any unexpended or
20 unencumbered balance remaining at the end of fiscal year 2020
21 shall revert to the general fund.

22 **SECTION 17. EFFECTIVE DATE.**--The effective date of the
23 provisions of this act is July 1, 2019.