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## FISCAL IMPACT REPORT

**SPONSOR** Chasey **ORIGINAL DATE** 01/25/21 **LAST UPDATED** 02/03/21 **HB** 102  
**SHORT TITLE** Violence Intervention Program Act **SB** \_\_\_\_\_  
**ANALYST** Rabin

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
\$0.0	\$10,000.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)  
 Indian Affairs Department (IAD)  
 Department of Public Safety (DPS)  
 Sentencing Commission (NMSC)

### SUMMARY

#### Synopsis of Bill

House Bill 102 creates the Violence Intervention Program Act and appropriates \$10 million from the general fund to the violence intervention program fund for use by the Department of Health (DOH) to administer the Act and to award violence intervention program grants to eligible municipalities and tribal governments.<sup>1</sup> Grants are directed to entities that DOH finds are disproportionately impacted by violent crimes, including homicides, shootings, and aggravated assaults.

DOH is limited to spending no more than three percent of the balance of the fund each fiscal year on administration of the Act, must award grants to at least two municipalities with a population of 50 thousand or less, and must award at least 20 percent of the appropriation to municipalities

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<sup>1</sup> Although it appears the intention of the bill is to allow counties to participate in this grant program, the exclusion of counties from certain provisions of the bill appears to make them ineligible to receive the funds (see Technical Issues).

with a population of 540 thousand or greater. Grantees must use at least 50 percent of their grants to enter into contracts with community-based organizations for services that accomplish the purposes of the Act. The Act further establishes requirements for grant applications, conditions of the grants, and grantee reporting.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

## **FISCAL IMPLICATIONS**

The appropriation of \$10 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY22 shall not revert to the general fund. Although HB102 does not specify future appropriations, establishing a new grant program could create an expectation that the program will continue in future fiscal years, therefore this cost is scored as recurring.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

DOH estimates it will cost of \$115.9 thousand annually to administer the funds, which could be covered by the up to 3 percent of the fund the agency can use for those expenses. Those costs are therefore not considered as additional operating budget impacts in this analysis.

NMSC states that the Act's mandate that the commission provide grant applicants with relevant data is potentially broad and unspecific. NMSC is presently operating at near capacity and the mandates of the bill would put additional strain on NMSC staff, and budgetary support for additional NMSC staff could help it better fulfill its responsibilities under the Act. As written, the bill does not preclude DOH using the funds allocated for administration to compensate NMSC for its role in fulfilling the provisions of the Act. Because DOH projects it will require less than half of the 3 percent of the FY22 appropriation allocated for its direct administrative costs, there will likely be funding available to compensate NMSC. Those costs are therefore not considered as additional operating budget impacts in this analysis.

## **SIGNIFICANT ISSUES**

***Violence in New Mexico.*** While New Mexico exceeds national rates of both violent and property crime, the state's extreme divergence from national violent crime trends in recent years is particularly concerning. Since 1992, the state's violent crime rate has remained at least 19 percent above the national average, and for the past three years, it has been more than twice the national rate. Although 2019 saw a small dip in the state's violent crime rate, this was a minor improvement after years of large increases, and preliminary data for 2020 suggest it might be short-lived. Poverty, drug use, and sustained unemployment are root causes of criminal behavior, and New Mexico's struggles in these areas are likely responsible for these troubling trends.

In 2019, New Mexico had the highest overall crime rate of any state in the country and ranked second for its violent and property crime rates behind Alaska and Louisiana, respectively. After three years of increases, New Mexico's overall crime rate began dropping over the past two years, and violent crime decreased slightly in the past year; however, homicide rates rose 18.1

percent, with 28 more reported in 2019 than 2018. Homicide rates have increased in New Mexico every year since 2014, diverging from national trends. Albuquerque drives these high rates, with the number of homicides reported to the Albuquerque Police Department (APD) almost tripling between 2014 and 2019.

New Mexico's high violent crimes rate are driven by high rates of aggravated assaults. Aggravated assaults are the most common type of violent crime, comprising 66 percent of violent crimes nationwide in 2019 and 78.2 percent of violent crimes in New Mexico. Although Alaska has the highest violent crime rate in the country, New Mexico's rate of aggravated assaults is 9.1 percent higher than Alaska's; Tennessee, the third most violent state, has an aggravated assault rate 42.4 percent lower than New Mexico's. Since 2014, the aggravated assault rate has risen 9.2 percent nationally; in New Mexico, it grew 54.2 percent.

DOH reports that in 2019, New Mexico had the second highest age-adjusted violent death rate in the United States at 35.8 deaths per 100 thousand residents. The Indian Affairs Department (IAD) notes that, per the [2019 Office of the Medical Investigator \(OMI\) Annual Report](#), 270 people died from suicide caused by a gunshot wound. Out of 265 total homicide deaths reported by OMI, 178 deaths were caused by gunshot wounds, 39 were caused by multiple injuries, and 28 resulted from stab wounds.

DOH notes that a [2010 study by Iowa State University](#) revealed that, besides the obvious loss of human life, murder costs society an estimated \$17.2 million per murder. This amount includes the victim's cost, criminal justice system costs, and lost productivity estimates for both victim and perpetrator.

DOH states that the public health approach to violence prevention is to define and monitor the problem, identify risk and protective factors, develop and testing prevention strategies, and assure widespread adoption. Additional assessments and evaluation are necessary to assure that all components of the strategy fit within the community context and have the desired effect of preventing violence.

***Demographic Disparities and Impacts.*** DOH notes that in 2019, the firearm homicide rate among males was more than four times higher than the firearm homicide rate among females (12.9 vs 3.1 per 100 thousand residents). The homicide firearm death rate was highest among African Americans at 22.1 per 100 thousand residents and second highest among Hispanics at 10.3 per 100 thousand residents.

IAD states that a report released by the [New Mexico Missing and Murdered Indigenous Women and Relatives Task Force](#) highlights the crisis among Native Americans, noting that "Native American women in New Mexico have the highest rate of homicide among all racial and ethnic groups." Synthesizing data from DOH, the report found that between 2013 and 2017, Native Americans had significantly higher homicide rates compared to Hispanics and whites, and Native Americans between the ages 25 and 34 were victims of homicide at a rate of 26.6 per 100 thousand residents, compared with 15.9 per 100 thousand residents among their Hispanic counterparts and 10.2 per 100 thousand residents among their white counterparts.

To combat this violence and its impact on the Native American population in the state, the New Mexico Missing and Murdered Indigenous Women and Relatives Task Force's report recommends the state address the extreme underfunding of tribal justice systems and to

collaborate with local community organizations that are on the frontlines of the critical work. IAD believes the goals and objectives of HB102 are consistent with many of the recommendations identified in the report.

## **ADMINISTRATIVE IMPLICATIONS**

In its analysis of a similar bill introduced in the 2020 regular legislative session, NMSC stated it should be able to support whatever data requests grant applicants might have.

## **TECHNICAL ISSUES**

Subsection C of Section 7 of this bill states that “A grant may be awarded to a county or municipality,” and the application requirements (Section 6) reference the participation of counties in applying for these grants while the definition of “grantee” in Section 2 includes counties, suggesting that the bill intends for counties to be eligible to apply for and receive grants from the violence intervention program fund. However, Section 3 (which creates the fund) states that the grant may only be used for administrative purposes and to “award violence intervention program grants to municipalities or tribal governments”, while Subsection A of Section 5 states that the “department may make grants from the fund to municipalities or tribal governments”. The exclusion of counties from these sections of the bill may make them ineligible to receive these funds, but their inclusion elsewhere suggests that is not the intention of the bill.

The requirement for NMSC to provide grant applicants with relevant data currently only applies to municipalities and tribal governments (Subsection B of Section 6). While the exclusion of counties from this provision would not preclude counties from receiving funds under this Act, it could put them at a disadvantage in the application process, which is likely not the bill’s intent.

## **AMENDMENTS**

DOH suggests the following amendments:

- Page 2, Line 19: after the word “assaults”, insert the words “and on the basis of the criteria contained in Section 4”.
- Page 4, line 2: replace the words “federal decennial census” with the words “annual University of New Mexico intercensal population estimates”.