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FISCAL IMPACT REPORT

SPONSOR Garcia, M ORIGINAL DATE 1/23/22
LAST UPDATED _____ HB 16
SHORT TITLE Gun Violence Victim Advocate Funding SB _____
ANALYST Mulvaney

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
	\$5,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From:

Administrative Office of the District Attorneys (AODA)
Administrative Office of the Courts (AOC)
New Mexico Corrections Department (NMCD)
New Mexico Attorney General (NMAG)
Department of Public Safety (DPS)
New Mexico Sentencing Commission (NMSC)
New Mexico Crime Victims Reparation Commission (CVRC)

SUMMARY

Synopsis of the Bill

HB16 is an Act making an appropriation of \$5 million to be appropriated from the general fund to the crime victim reparation commission for expenditure in fiscal years 2023 and 2024 to fund law enforcement-based advocates for victims of gun violence and violent crime. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the general fund.

FISCAL IMPLICATIONS

The appropriation of \$5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2024 shall revert to the general fund.

SIGNIFICANT ISSUES

As per the CVRC bill analysis:

NMCVRC currently provides grant funding for this type of programming to five New Mexico law enforcement departments. Other law enforcement departments have either not applied for existing funds to support this type of service or have not demonstrated the capacity to manage this service in their grant applications for the existing funds. CVRC would work with law enforcement agencies to develop the needed capacity and work with the existing programs to replicate successful violent crime victim assistance programs.

As per DPS bill analysis:

The NMSP Victim Advocate unit is comprised of four (4) sponsored term victim advocates as part of a federal grant from CVRC. Created in 2016, the VAU started with two advocates in the greatest areas of need identified as Valencia and Rio Arriba County. Those advocates worked directly with NMSP officers and agents in those counties to help with resources and support of any enumerated crimes victims and families. In 2019, funding for a 3rd advocate position and a supervisor for the division were approved through the legislature. That 3rd advocate was placed in San Miguel County.

The main role of the LE victim advocate is to work closely with the officers and agents in their assigned area and support all victims with information, resources, and support. We also work closely with our partnering agencies as well, i.e., our local shelters; CAC's; etc. We assist our officers with many crimes but have seen a significant increase in our domestic violence, crimes against children and homicide cases. Those cases we pick up will start immediately upon referral and we will stay with those victims and families throughout the investigation phase and sometimes longer, depending on the need. We have all developed a close support system with our officers and agents and work hand in hand on these very important and significant cases. We will assist with many different resources at the onset of a new case, once referred. When the program first started, we were reporting a required minimum of 30 new cases per FY for the entire program. We have tripled that requirement in a few short years and are currently reporting between 75-125 new cases per reporting quarter (quarter=3 months). Please see below just some of the services and support that we provide and any given case:

- Crisis Intervention, Safety Planning and Bereavement Support
- Death Notifications to NOK
- On Call advocate available 24/7 to officers
- Liaison between victims, investigators, and other community-based agencies
- Assistance obtaining crime scene clean-up
- Information regarding financial assistance through New Mexico Crime Victims Reparation Commission and application assistance
- Education for law enforcement and the community on new laws pertaining to victimization and trauma
- Assistance setting up automated notification of offender release and/or court case(s)

- Information and support throughout the different stages of the criminal justice process.
- Support and referrals with civil justice issues, such as Orders of protection, child custody issues, etc.
- Provide support, advocacy, accompaniment, and transportation, when needed.
- Referrals to support services and/or local non-profit agencies; Social service agencies, health providers, counseling, medical facilities, etc.

LE victim advocates also assist with trainings through the LEA and regularly participate in both recruit and lateral Domestic Violence and Crimes Against Children trainings. We also provide refresher trainings to individual Districts per their request. The needs for additional resources and support services to the citizens of New Mexico are much needed. The importance of an LE advocate is significant. We can contact a victim almost immediately after a crime has occurred, thus creating a more successful relationship between the victim, our officers/agents and the resources and support that the victim could utilize, that they would otherwise, not be aware of. NMSP is currently funded to support 3 out of the 12 New Mexico State Police Districts. The programs reach could be so much greater if we were able to expand on that and have additional resources to add more advocates to those much-needed areas.

PERFORMANCE IMPLICATIONS

As per NCVRC bill analysis: “CVRC would need to leverage the success of the existing law enforcement victim’s assistance programs to encourage law enforcement agencies to apply and develop violent crime victim’s assistance.”

ADMINISTRATIVE IMPLICATIONS

As per CVRC bill analysis: “Due to the scope of the proposed services, the bill would create a significant expansion of NMCVRC administrative/financial oversight responsibilities for victim advocate service delivery in law enforcement agencies. NMCVRC currently has a staffing deficit for existing responsibilities. Additional staff would be need with in NMCVRC to administer these funds”

TECHNICAL ISSUES

As per AGO bill analysis: “The term “law enforcement-based advocates” is not defined in HB16 or in any existing provision of law, which may lead to potential conflicts regarding which persons/entities may be eligible to receive said funding.” They suggest that an amendment be added with that definition.

OTHER SUBSTANTIVE ISSUES

As per CVRC bill analysis: “According to NM Department of Health, New Mexico’s gun violence death rate has increased 55 percent since 2010, placing New Mexico fourth in the nation for gun violence deaths in 2019’s national ranking by the CDC. The need for the advocates for the family survivors of these crimes is well documented.”

Executive Order 2021-013 documents at length the need for support for the families of missing

and murdered women and relatives (MMIWR) and states that the federal funding for law enforcement personnel in Indian Country met only 42 percent of the needs for assistance. It also underscores the difficulty of establishing a solid working relationship with local law enforcement in some parts of the state. It could be beneficial for the connection to be established between the MMIWR and the law enforcement-based advocates (See SB12 and SB13).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

As per the CVRC bill analysis: “Limited funds will continue to support advocacy service at select agencies who have successfully competed for federal grant funds that are administered by CVRC. Crime victims will not receive advocacy services uniformly across the state.”

BM/al