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## FISCAL IMPACT REPORT

SPONSOR Garratt ORIGINAL DATE 1/29/2022  
LAST UPDATED \_\_\_\_\_ HB 152  
SHORT TITLE Bernalillo County Crime Prevention SB \_\_\_\_\_  
ANALYST Carswell

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
	\$10,000.0	Non-recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Administrative Office of District Attorneys (AODA)  
Attorney General's Office (NMAG)  
New Mexico Sentencing Commission (NMSC)  
Department of Public Safety (DPS)  
Department of Corrections (NMCD)  
Human Services Department (HSD)

### SUMMARY

#### Synopsis of Bill

House Bill 152 would make a one-time appropriation of \$10 million from the general fund to the local government division of the Department of Finance and Administration for Bernalillo County to support crime prevention and behavioral health initiatives. The bill specifies that the funds are to be expended in FY23 in consultation with the city of Albuquerque for four purposes: incentives to recruit and retain public safety and behavioral health professionals; equipment for focused deterrence programs, training, and community policing initiatives; to increase funding for mobile school-based health centers; and to expand public housing options, including transitional living and supportive housing.

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 nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY23 shall revert to the general fund.

The appropriation in HB152 may have redundancy with appropriations in the General Appropriation Act (GAA) to address public safety and behavioral health. The introduced version of the GAA included \$83.8 million for initiatives to prioritize treatment over punishment, \$72.7 million to support swift and certain justice, and \$16.3 million for victim and community needs. Additionally, it should be noted Bernalillo County is unique in New Mexico in having recurring, local revenues for behavioral health through a dedicated gross receipts tax. The county's fiscal year 2021-2022 budget book indicated the fund balance from the dedicated tax was \$62.6 million.

The Human Services Department (HSD) notes New Mexico school-based health centers contract with the Department of Health's Office of School Adolescence Health, which enables them to bill Medicaid. Currently, there are no mobile school-based health centers billing Medicaid, according to HSD.

## **SIGNIFICANT ISSUES**

Research shows the certainty of punishment is a significantly more effective deterrent to criminal behavior than the severity of punishment, but in New Mexico, punishment has grown less certain as crime has increased, with fewer violent crimes solved and more violent felony cases dismissed. Increased criminal case dismissals and reduced admissions to prison inhibit the certainty of justice, especially for serious violent offenses. Improving policing and increasing cooperation and coordination among criminal justice partners could help increase the certainty of punishment for the most violent offenses and provide a stronger deterrent to serious crime. Past LFC reports have noted the need to simultaneously address root causes of crime, including substance abuse and other behavioral health issues, extreme poverty, and other sources of social and economic instability.

New Mexico's existing crime reduction grant program provides a mechanism to promote innovations for criminal justice reform at a local level with the ultimate goal of reducing crime and improving public safety. The Sentencing Commission (NMSC) currently receives \$178 thousand annually that it uses to fund crime reduction grants. The GAA includes an increase of \$150 thousand in recurring funding for this purpose, beginning in FY23, and a \$2 million nonrecurring appropriation to NMSC for crime reduction grants contingent on legislation expanding the allowable uses of the grants. NMSC states it has received feedback expressing a desire for expanding the range of programs that can be funded. Many communities in New Mexico face rising violent crime rates, and the crime reduction grant program takes a statewide perspective to addressing these issues. While the crime reduction grant program might be able to provide support for the initiatives HB152 would fund, the one-time appropriation in HB152 is much greater than the amounts available annually through the existing grant program.

The Administrative Office of the Courts notes it is unclear how recurring costs for the program HB152 would support would be sustained beyond FY23. Stability is critical to the success of behavioral health and treatment programs.

HSD states the housing services HB 152 would support would not compete with or duplicate housing programs currently overseen by the Behavioral Health Services Department, including Linkages.

### **OTHER SUBSTANTIVE ISSUES**

The Office of the Attorney General notes the following: “While the Bill’s proposed appropriation to the Local Government Division of the Department of Finance and Administration clearly itself does not violate the Anti-donation Clause of the New Mexico Constitution, see N.M. Const., Art. IX, Sec. 14, any funds spent towards the Bill’s objectives would need to comply with that provision. This includes both the funding spent towards the recruitment and retention of public safety and behavioral health professionals and the funding dedicated towards expanding public housing options. With respect to the latter type of expenditure, such expenditure would need to comport with the requirements of the New Mexico Affordable Housing Act, NMSA 1978, Sections 6-27-1 to -9 (2004, and as amended), and any other applicable laws.”

### **RELATIONSHIP**

House Bill 152 relates to House Bill 84, which would amend Section 31-28-4 NMSA 1978 to allow crime reduction grants to expand allowable uses to include, among other purposes, recruiting and retaining law enforcement officers.

House Bill 152 relates to House Bill 86, which would create a new “law enforcement retention fund” to provide “retention differential disbursements” to law enforcement officers based on tenure.

HB152 relates to House Bill 96, which appropriates \$10 million to create a violence intervention program fund to award grants to state agencies, counties, municipalities, or tribal governments disproportionately impacted by violent crimes, including homicides, shootings, and aggravated assaults.

House Bill 152 relates to Senate Bill 19, which proposes a \$70 million appropriation from the general fund to the New Mexico housing trust fund.

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