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FISCAL IMPACT REPORT

SPONSOR SJC ORIGINAL DATE 2/12/22
LAST UPDATED 2/14/22 HB _____

SHORT TITLE AG Office for Missing Indigenous Persons SB 12/ec/SJCS/aSFC

ANALYST Mulvaney

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
	\$1,000.0	Nonrecurring	Consumer network grant fund of the office of the attorney general

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB13, SB12, HB85, SB39, SM18, SM23

SOURCES OF INFORMATION

LFC Files

Response Received from
Indian Affairs Department

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee Amendment for Senate Bill 12 would create a grant-based online portal for an electronic database in which information regarding cases of missing indigenous persons will be securely upload. The funding for this project has been changed from an appropriation from the general fund to an appropriation from the consumer settlement fund of the office of the attorney general to the partnership in Native American communities network grant program.

The amendment clarifies the Section 1 by adding the words in the quotes in the following sentence: The attorney general shall assist “with the consent of an Indian nation, tribe or pueblo” with the investigation and prosecution of all missing persons cases in which one or more indigenous persons are reasonably believed to be victims pursuant to the Missing Persons Information and Reporting Act.

It also delays the repeal of Sections 3 and 4 for 1 more year, until 2024.

Synopsis of Bill

The Senate Judiciary Committee Substitute for Senate Bill 12 (SJCS/SB12) would create a new statutory section within Chapter 8 (“Elected Officials”), Article 5 (“Attorney General”) that would do the following

- Grant the Attorney General’s Office jurisdiction to investigate or prosecute cases involving missing indigenous victims;
- Create a “missing indigenous-persons specialist” within the Attorney General’s Office;
- Create a grant-based online portal for electronically cataloguing cases of missing indigenous persons;
- Appropriate \$1 million beginning in FY23 for the hiring and training of one (or more) missing indigenous-persons specialists; and
- Appropriate \$1 million in FY23 for implementation of the online portal.

Section 1 states that “[t]he attorney general shall assist with the investigation and prosecution of all missing persons cases in which one or more indigenous persons are reasonably believed to be victims pursuant to the Missing Persons Information and Reporting Act”.

Section 2 creates one or more positions within the attorney general’s office of missing persons specialists and elaborates their duties.

Section 3 creates a partnership in Native American Communities Network Grant Program and defines the purpose.

The partnership in Native American communities network grant program will create an online portal, to be developed and operated by the Attorney General’s Office. Its purpose is to create an online network to support the efforts by New Mexico’s Indian nations, tribes, and pueblos to identify, report, and find Native Americans who are missing.

Section 4 creates a corresponding grant fund within the State Treasury, to be administered by the Attorney General’s Office, in order to implement the online network. The fund will consist of appropriations, gifts, grants, and donations.

SJCS/SB12 contains an emergency clause and would become effective immediately upon signature by the governor.

SJCS/SB12 also contains a delayed repeal clause that repeals Sections 3 and 4 effective July 1, 2023.

FISCAL IMPLICATIONS

The SFC amendment strikes the previous Section 5 and adds the a new Section 5 which states:

“Section 5. APPROPRIATION. – One million dollars (\$1,000,000) is appropriated from the consumer settlement fund of the office of the attorney general to the partnership in Native American communities network grant fund for the expenditure in the fiscal years 2023 and 2024 to provide grants in accordance with the partnership in Native American communities network grant program. Any unexpended or unencumbered balance remaining at the end of the fiscal year

2024 shall revert to the consumer settlement fund of the office of the attorney general.”

SJCS/SB12 appropriates \$2 million from the general fund to the Attorney General’s Office:

- \$1 million for the hiring and training of one (or more) missing indigenous-persons specialists. This appropriation is recurring. Any unexpended or unencumbered balances at the end of FY23 revert to the general fund.
- \$1 million from the general fund to the partnership for Native American communities network grant fund for expenditure in FY23. This appropriation is nonrecurring. Any unexpended or unencumbered balances at the end of FY23 revert to the general fund.

The specialist and network will be housed within the Attorney General’s Office, which will necessarily result in additional needs for tangible items like offices and equipment. There will be an increase in travel costs associated with the specialist to complete statewide training.

RELATIONSHIP

Relates to SB13, SB12, SB39, HB85, SM18, SM23.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Indian Affairs Department provided the following analyses for a previous version of the bill:

[S]hould this bill not pass, missing Indigenous women and relatives will continue seeking additional support and resources to locate missing persons. In New Mexico, there are over a hundred law enforcement agencies, over a dozen prosecution entities, and 23 Sovereign Tribes in addition to the State of New Mexico and the Federal government. In some parts of the state, land status varies mile to mile affecting response time, investigation, and prosecution of missing Indigenous women and relative cases. This legislation would address these challenges by designating a position to coordinate investigations and prosecution across jurisdictions. Coordination and oversight are necessary to improve case outcomes for missing Indigenous people.

BM/al