

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 550

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING THE WARRANT BACKLOG REDUCTION COMMITTEE; PROVIDING FOR
THE DISTRIBUTION OF MONEY APPROPRIATED TO THE DEPARTMENT OF
FINANCE AND ADMINISTRATION BY THE GENERAL APPROPRIATION ACT OF
2023 FOR FELONY WARRANT ENFORCEMENT.

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

SECTION 1. TEMPORARY PROVISION--WARRANT BACKLOG REDUCTION
COMMITTEE--ADMINISTRATION--DISTRIBUTION OF MONEY FOR REDUCTION
OF FELONY WARRANT BACKLOG--GRANT CRITERIA.--

A. Money that was appropriated, pursuant to the
General Appropriation Act of 2023, from the general fund to the
department of finance and administration shall be distributed
in accordance with the decisions made by the warrant backlog
reduction committee to:

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1 (1) provide grant disbursements pursuant to
2 Subsection H of this section; and

3 (2) fund administrative costs necessary to
4 carry out the provisions of this section, including such
5 administrative costs that are necessary to evaluate the
6 efficacy of warrant backlog reduction efforts undertaken by
7 grantees; provided that the amount expended for administrative
8 costs shall not exceed three percent of the total
9 appropriation.

10 B. The "warrant backlog reduction committee" is
11 created and is administratively attached to the department of
12 finance and administration. The committee consists of the
13 following ten voting members:

14 (1) one member who is employed by the
15 department of public safety, to be appointed by the secretary
16 of public safety;

17 (2) one member who is employed by a municipal
18 police department in the state, to be appointed by the New
19 Mexico municipal league;

20 (3) one member who is employed by a county
21 sheriff's office in the state, to be appointed by the New
22 Mexico association of counties;

23 (4) one member who is employed by a tribal law
24 enforcement agency in the state, to be appointed by the
25 secretary of Indian affairs;

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1 (5) one member who is employed by the
 2 administrative division of the public defender department, to
 3 be appointed by the chief public defender;

4 (6) one member who is employed by the
 5 administrative office of the district attorneys, to be
 6 appointed by the director of the administrative office of the
 7 district attorneys;

8 (7) one member who is employed by a local jail
 9 in the state, to be appointed by the New Mexico association of
 10 counties;

11 (8) one member who is employed by the adult
 12 probation and parole division of the corrections department, to
 13 be appointed by the secretary of corrections;

14 (9) one member who is employed by the
 15 administrative office of the courts, to be appointed by the
 16 director of the administrative office of the courts; and

17 (10) one member who is employed by the
 18 department of finance and administration, to be appointed by
 19 the secretary of finance and administration.

20 C. The committee shall elect a chair from among its
 21 members.

22 D. The committee shall:

23 (1) conduct at least one meeting, or more than
 24 one meeting as necessary to carry out its duties, at the time
 25 and location that the committee designates;

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1 (2) develop criteria for the awarding of
2 grants as provided in Subsection M of this section;

3 (3) award grants to county sheriff's offices,
4 municipal police departments, tribal law enforcement agencies,
5 the public defender department, district attorney offices,
6 district courts and the metropolitan court through the
7 administrative office of the courts, local jails, the New
8 Mexico state police division of the department of public safety
9 and any of its offices and the adult probation and parole
10 division of the corrections department and any of its offices
11 as provided in Subsections H through K of this section;

12 (4) collect information about expenditures
13 from grantees as provided in Subsection P of this section;

14 (5) report applicant and grantee information
15 as provided in Subsection R of this section; and

16 (6) disseminate information regarding the
17 program and application process to all eligible entities.

18 E. A majority of the members of the committee
19 constitutes a quorum for the transaction of business.

20 F. A member of the committee shall not review or
21 vote on a proposal made by an applicant with whom the member is
22 employed.

23 G. Administrative and other necessary support shall
24 be provided to the committee by the department of finance and
25 administration.

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1 H. The committee may allocate:

2 (1) up to seventy percent of the
3 appropriation, less administrative costs as provided in
4 Paragraph (2) of Subsection A of this section, for grants
5 awarded to county sheriff's offices, municipal police
6 departments, tribal law enforcement agencies, the New Mexico
7 state police division of the department of public safety and
8 any of its offices and the adult probation and parole division
9 of the corrections department and any of its offices; and

10 (2) any amount of available money remaining
11 from the appropriation for grants awarded to the public
12 defender department, district attorney offices and courts and
13 the metropolitan court through the administrative office of the
14 courts.

15 I. The New Mexico state police division of the
16 department of public safety and any of its offices and any
17 county sheriff's office, municipal police department and tribal
18 law enforcement agency are eligible to apply for a grant;
19 provided that the agency is in compliance with applicable
20 statutory reporting requirements, including those described in
21 Subsection C of Section 29-3-11 NMSA 1978 and Sections
22 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978, and all reporting
23 requirements for appropriations that have not been fully
24 expended and have not reverted to the general fund or any other
25 fund.

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1 J. The corrections department is eligible to apply
2 for a grant; provided that the agency is in compliance with
3 applicable statutory reporting requirements, including those
4 described in Subsection F of Section 31-20-2 NMSA 1978,
5 Subsection C of Section 33-15-3 and Sections 9-3-9, 33-9-10 and
6 33-16-5 NMSA 1978, and all reporting requirements for
7 appropriations that have not been fully expended and have not
8 reverted to the general fund or any other fund.

9 K. Any of the entities described in Paragraph (3)
10 of Subsection D of this section but not described in Subsection
11 I or J of this section are eligible to apply for a grant;
12 provided that the entity is in compliance with applicable
13 statutory reporting requirements and all reporting requirements
14 for appropriations that have not been fully expended by the
15 entity and have not reverted to the general fund or any other
16 fund.

17 L. The committee shall consult with the
18 administrative office of the courts to obtain information and
19 data regarding outstanding warrants in an applicant's
20 jurisdiction as necessary to evaluate an application in
21 accordance with the criteria described in Subsection M of this
22 section.

23 M. The committee shall develop grant criteria to
24 guide its determination for the awarding of a grant, and the
25 criteria shall consider:

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1 (1) the number of outstanding felony warrants
2 in the applicant's jurisdiction;

3 (2) the severity of the crimes giving rise to
4 the outstanding felony warrants in the applicant's
5 jurisdiction;

6 (3) the age of the outstanding felony warrants
7 in the applicant's jurisdiction;

8 (4) whether and to what extent additional
9 arrests performed for outstanding warrants will impact the
10 applicant;

11 (5) the number of repeat offenders for whom
12 outstanding warrants were issued in the applicant's
13 jurisdiction;

14 (6) the number of violent crimes, including
15 homicide, aggravated battery with a deadly weapon, aggravated
16 assault with a deadly weapon, robbery, kidnapping, felony
17 domestic violence, auto theft and burglary, giving rise to the
18 outstanding felony warrants in the applicant's jurisdiction;

19 (7) the applicant's intended use of a grant to
20 pay overtime costs associated with warrant backlog reduction
21 efforts; and

22 (8) the total personnel cost of operations.

23 N. A grantee may use a grant award to:

24 (1) compensate employees of the grantee who
25 perform duties related to warrant backlog reduction efforts;

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1 (2) compensate employees of the grantee who
2 work overtime hours related to warrant backlog reduction
3 efforts;

4 (3) fund warrant backlog entry;

5 (4) fund warrant backlog cleanup; and

6 (5) advertise and conduct safe surrender
7 events at which a person with an outstanding warrant may
8 resolve an outstanding warrant by safe surrender.

9 O. A grantee shall not use a grant:

10 (1) for recurring initiatives for warrant
11 backlog reduction efforts, except the grantee may use a grant
12 for a recurring initiative if the grantee has provided a plan
13 to replace nonrecurring funds with recurring funds to fund that
14 initiative; or

15 (2) to create new employee positions.

16 P. A grantee shall provide to the committee within
17 ninety days of receiving a grant, and then every ninety days
18 thereafter until the earliest of either the completion of the
19 grantee's initiative or all funds are expended, a report of the
20 grantee's expenditures for the grantee's initiative. Any
21 unexpended money remaining after the completion of the
22 grantee's initiative shall revert to the department of finance
23 and administration within sixty days of completion of the
24 initiative.

25 Q. County sheriff's offices, municipal police

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1 departments, tribal law enforcement agencies, the New Mexico
2 state police division of the department of public safety and
3 any of its offices and the adult probation and parole division
4 of the corrections department and any of its offices that are
5 awarded grants pursuant to this section shall provide to the
6 committee a list of warrants the agency intends to target as
7 part of its warrant enforcement efforts prior to the receipt of
8 any grant funding and shall provide to the committee within
9 ninety days of receiving a grant, and then every ninety days
10 thereafter until the earliest of either the completion of the
11 grantee's initiative or all funds are expended, a report
12 detailing the status of each of the warrants previously
13 identified to be targeted, any warrants the grantee no longer
14 intends to target and any additional warrants the grantee
15 intends to target.

16 R. The committee shall provide at least one annual
17 report by November 1 of fiscal year 2024 to the department of
18 finance and administration and the legislative finance
19 committee that contains:

20 (1) applicant information, including
21 information about the applicant's entity, the grant amount
22 requested and the description of the applicant's proposed use
23 of the grant;

24 (2) individual grantee information, including
25 information about the grantee's entity, the grant amount

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1 awarded and the description of the grantee's use of the grant;

2 (3) data collected and evaluations made by the
3 department of finance and administration about the efficacy of
4 the initiatives of award recipients; and

5 (4) data reported by grantees pursuant to
6 Subsections P and Q of this section.

7 S. As used in this section:

8 (1) "committee" means the warrant backlog
9 reduction committee; and

10 (2) "local jail" means a facility operated by
11 a county, municipality or combination of local government used
12 for the confinement of persons charged with or convicted of a
13 violation of a law or ordinance, but does not include a
14 facility operated by a private independent contractor pursuant
15 to an agreement with a county, municipality or combination of
16 such local governments.