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FISCAL IMPACT REPORT

SPONSOR <u>Pope</u> SHORT TITLE <u>Compliance with Federal Prison Rape Elimination</u>	LAST UPDATED _____ ORIGINAL DATE <u>3/5/23</u> BILL NUMBER <u>Senate Memorial 37</u> ANALYST <u>J. Torres</u>
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ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From
 Corrections Department (NMCD)
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Senate Memorial 37

Senate Memorial 37 acknowledges that the purpose of the Section 34 U.S.C. 303, *Prison Rape Elimination Act* (PREA) is to: “support the prevention, reduction and elimination of sexual assault and rape within all corrections systems.” The memorial requests that a task force be convened to make: “recommendations for policy and legislative changes to improve compliance of local, county, state and federal jails and detention and correctional facilities,” consistent with the federal act. The task force shall include representatives from the: New Mexico Coalition of Sexual Assault Programs; Corrections Department; Children, Youth and Families Juvenile Justice Division; New Mexico Association of Counties; American Civil Liberties Union of New Mexico; a rural county jail; an urban county jail; and formerly incarcerated community representatives. Task force recommendations shall be reported to the: Legislative Health and Human Services Committee; interim Committee on Courts, Corrections and Justice; and Crime Victims’ Reparation Commission as of November 1, 2023.

Both responding agencies, which are also designated task force members, indicate a willingness to serve on this task force. CYFD’s analysis further supports Senate Memorial 37 in stating that it strictly applies the 2003 PREA throughout its facilities.

FISCAL IMPLICATIONS

CYFD reports that task force participation and administration will be absorbed by existing resources. NMCD also reports no fiscal impact.

SIGNIFICANT ISSUES

CYFD states:

The Children, Youth & Families Department Juvenile Justice Services (CYFD/JJS) has implemented all PREA standards at all CYFD secure facilities. CYFD has adopted all PREA standards into agency-level policy and practice, and CYFD/JJS is committed to providing a safe and secure environment, free from all forms of sexual misconduct and retaliation, for clients and employees. To that end, JJS has zero tolerance for sexual misconduct and maintains comprehensive procedures regarding prevention, detection, and response to such conduct.

CYFD provides ongoing PREA training to all CYFD facility residents, staff, and contractors/volunteers. A dedicated PREA Unit provides ongoing planning, analysis, and support to all CYFD facilities to ensure proper implementation, and audit preparation.

The federal Bureau of Justice Statistics (BJS) is tasked with annual data collection responsibilities under PREA. The Act requires BJS to "carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape." In completing this task, BJS collects information on the characteristics of these incidents to aid correctional administrators in addressing the prevention, reporting, investigation, and prosecution of such incidents. CYFD participates in this survey annually.

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