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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Chasey</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>2/7/24</u>
	<b>BILL</b> <u>House Memorial</u>
<b>SHORT TITLE</b> <u>Prison Rape Legislation Task Force</u>	<b>NUMBER</b> <u>45</u>
	<b>ANALYST</b> <u>Sanchez</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY24	FY25	FY26	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 analysis of this legislation.

### Sources of Information

LFC Files

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

## SUMMARY

### Synopsis of House Memorial 45

House Memorial 45 requests an additional year for the task force convened as a result of House Memorial 40 of the 2023 legislative session. 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 Prison Rape Elimination Act. The task force shall include representatives from the New Mexico Coalition of Sexual Assault Programs; Corrections Department; Children, Youth and Families Department 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, 2024.

## FISCAL IMPLICATIONS

In the analyses provided for 2023’s House Memorial 40, for which this memorial seeks a time extension, CYFD reported that task force participation and administration will be absorbed by existing resources. NMCD also reported no fiscal impact.

## SIGNIFICANT ISSUES

In its analysis for 2023's House Memorial 40, for which this memorial seeks a time extension, CYFD stated:

The Children, Youth and 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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