



Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 445 amends the Victims of Crime Act to provide greater rights and protections to victims, including notifications concerning court proceedings and offender release. Creates the Victims of Crime Assistance Fund administered by the State Department of Justice to assist victim with crime scene cleanup. Appropriates a total of \$2.5 million to carry out the provisions of the act (detailed below).

#### **VICTIM'S RIGHTS:**

Grants victims additional rights, including:

- Right to electronic notice when an offender is released from a jail, prison, or lockup pre- and post-conviction
- Right to promptly retake possession of a residence or other real property that was subject to investigation of a crime after completion of the investigation and to receive assistance for crime scene cleanup and professional biological hazard services.

Removes the requirement that a victim may exercise rights pursuant to the Victims of Crime Act only if the victim reports the criminal offense within five days of the occurrence or discovery of the criminal offense.

#### **DUTIES OF LAW ENFORCEMENT AGENCIES:**

Clarifies that the rights and duties related to law enforcement agencies take effect when a criminal offense is committed.

Adds the following duties:

- Treat the victim with fairness and respect the victim's privacy and dignity
- Provide the victim with all available information regarding the investigation, including the name of the offender, unless releasing such information would impede an ongoing investigation
- Take reasonable steps to provide for the victim's protection from the offender.

**NOTIFICATION TO VICTIMS OF COURT PROCEEDING.** Requires a clerk of court to:

- Enter all notices for court proceedings into the electronic notification system
- Provide a victim with electronic notification of a court hearing when it is scheduled and again before the proceeding.

#### **NOTIFICATIONS TO VICTIMS OF ESCAPES:**

The Corrections Department or CYFD shall immediately notify the victim if an offender escapes from a correctional or juvenile justice facility or was transferred to a facility under the jurisdiction of another state and escapes from that facility.

#### **NOTIFICATION OF RELEASE FROM INCARCERATION:**

A county jail shall notify a victim before an offender's release.

The parole board or CYFD shall notify a victim as soon as practicable before an offender's release is considered.

Following consideration of an offender's release, a victim shall be promptly notified of recommendations for release of the offender.

In the case of an offender scheduled to be released without parole or prior to parole, the victim shall be notified immediately.

**EFFECT OF NONCOMPLIANCE.** An offender shall not have standing to object to a failure by the state, a political subdivision, or a person to comply with the Victims of Crime Act.

**VICTIM'S REPRESENTATIVE:** Authorizes a guardian as a minor victim's representative. If a victim's representative is designated or appointment, the representative shall notify the district attorney, court, and counsel for the offender but is not a party to the case.

**ELECTRONIC NOTIFICATION SYSTEM FOR VICTIMS:** Means a notification received by email, phone call, or text message. The Administrative Office of the Courts, each board of county commissioners, and the Corrections Department shall establish and maintain separate electronic notification systems to victims. The systems shall be optional for a victim and integrate information maintain by the entities.

**APPROPRIATIONS:** All from the General Fund for use in FY2026 except as noted:

- \$1 million to the Administrative Office of the Courts to establish an electronic notification system to provide notice of court proceedings
- \$500,000 to the Local Government Division of the Department of Finance and Administration for the boards of county commissioners to establish an electronic notification system
- **\$500,000 to the Corrections Department to establish an electronic notification system**
- \$500,000 to the Victims of Crime Assistance Fund (nonreverting) for use in FYs 2026 and subsequently to assist victims with crime scene cleanup and professional biological hazard services.

**REPEALS** Sec. 31-26-10.1 (Crime victim presence at court proceedings; plea agreement notification). **NOTE:** The bill includes a Victim's Rights section that preserves notice requirements.

**DEFINITIONS:**

Strikes definition of "criminal offense."

Adds definition of "offender" to mean a person accused of, charged with or convicted for committing a crime against a victim

Modifies definition of "victim" to mean "a person directly and proximately harmed by the commission of a crime enumerated in Article 2, Section 24 of the constitution of New Mexico or a crime that resulted in or involved the threat of death, bodily harm, any form of sexual battery, mental anguish or damage to property in excess of \$1,000 and includes a family member of a

person deceased due to homicide.”

## **FISCAL IMPLICATIONS**

House Bill 445 (HB 445) proposes amendments to the Victims of Crime Act, mandating that the Adult Parole Board directly notify victims prior to considering an offender's release. Currently, the New Mexico Parole Board relies on the Corrections Department for technical and data system support and does not have its own victim notification system. Implementing such a system would require significant investments in technology, staff training, and additional personnel dedicated to victim notifications. Moreover, the existing office space is insufficient to accommodate the necessary expansion, necessitating further expenditures for new facilities. The \$500,000 allocated to the Corrections Department under HB 445 may not adequately cover these additional costs for the Parole Board nor does it provide additional future expenditures for system maintenance.

## **SIGNIFICANT ISSUES**

The New Mexico Parole Board strongly supports victims’ rights and efforts to enhance them across the state. HB 445 is a critical bill that seeks to establish a new victim notification process in New Mexico. While the Board fully supports strengthening victims’ rights, there are logistical challenges within the bill that raise concerns regarding its implementation.

Under current statutes, the New Mexico Parole Board fulfills its duty to notify victims by providing release dockets to district attorneys' offices, which then inform victims through their advocates. House Bill 445 proposes shifting the responsibility of victim notification directly to the Parole Board, eliminating the intermediary role of district attorneys' victim advocates. This change would require the Parole Board to hire additional staff to manage victim notifications, as it currently lacks the necessary resources and systems. Furthermore, the bill expands the scope of cases requiring notification from specific enumerated offenses to all cases, including non-enumerated ones. The Parole Board does not have comprehensive data on the total number of victim cases this expansion would encompass, making it challenging to assess the full impact on its operations.

## **PERFORMANCE IMPLICATIONS**

- **Increased Workload** – The board would take on direct responsibility for victim notifications, significantly expanding its administrative duties. This added workload, without competitive pay or sufficient staffing, could lead to delays in notifications and potential compliance issues.
- **Recruitment & Retention Struggles** – The board already faces difficulties in attracting and retaining qualified staff due to non-competitive salaries. Adding new responsibilities without addressing compensation concerns may further exacerbate turnover, reducing institutional knowledge and efficiency.
- **Training & System Implementation Burden** – Implementing a new victim notification system would require specialized training and technical expertise, which could be difficult to secure if pay remains uncompetitive. Existing staff may also experience increased stress due to additional responsibilities without corresponding pay increases.

- **Operational Efficiency Risks** – With limited resources and staffing, the board could experience delays in processing parole cases, scheduling hearings, and fulfilling notification requirements. This could reduce overall efficiency and effectiveness, ultimately impacting victims, parole applicants, and the justice system.
- **Space & Infrastructure Constraints** – The board would require additional office space to accommodate new hires, which could lead to logistical and budgetary challenges. Without proper facilities, productivity and morale may suffer.

## ADMINISTRATIVE IMPLICATIONS

### 1. Increased Administrative Burden

- The Parole Board would need to establish a structured **victim notification process**, requiring case-by-case reviews to determine the correct victims to notify.
- Staff would have to track victim contact information, ensure compliance with legal requirements, and maintain records of notifications.

### 2. Case Management & Data Tracking

- Currently, victim notifications are handled through District Attorney Victim Advocates, but with this responsibility shifting to the board, a **new case tracking system** would be required.
- The board lacks access to complete victim records for non-enumerated cases, making **data collection and management a new administrative hurdle**.

### 3. Technology & Infrastructure Upgrades

- The board does not have its own victim notification system. It would need to **purchase, develop, or integrate a new system** with existing NMCD databases.
- There would be significant **IT support needs**, requiring either internal expertise or reliance on NMCD, which could slow implementation.

### 4. Compliance & Legal Risks

- Failure to properly notify victims could result in **legal challenges, compliance violations, or public scrutiny**.
- Staff would require **ongoing training on victim rights laws and procedures** to ensure compliance with federal and state regulations.

### 5. Resource Allocation & Staffing Needs

- The board would need to hire additional **administrative staff, victim coordinators, and potentially legal advisors** to manage notifications.
- **Office space constraints** would create logistical challenges, as the current facilities may not support staff expansion.

## **6. Delays in Parole Hearings & Decisions**

- With **limited staff and increased workload**, parole hearings could be delayed, affecting both victims and offenders waiting for decisions.
- Additional time and resources would be needed to ensure victim input is considered before parole decisions are finalized.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**None**

### **TECHNICAL ISSUES**

**None**

### **OTHER SUBSTANTIVE ISSUES**

**None**

### **ALTERNATIVES**

The New Mexico Parole Board recommends that it be removed from the responsibility of victim notification, as it does not process time calculations for inmates held by the Department of Corrections. However, the Board will continue to collaborate with NMCD to ensure that victims retain their right to participate in parole hearings as required by law.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status Quo**

### **AMENDMENTS**

**None**