

LFC Requester:	Scott Sanchez
-----------------------	----------------------

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/19/2025 *Check all that apply:*
Bill Number: HB445 Original Correction
 Amendment Substitute

Sponsor: Nicole Chavez and Antonio Maestas **Agency Name and Code Number:** 770-CORRECTIONS DEPARTMENT
Short Title: Victim of Crime Act Changes **Person Writing:** Anisa Griego-Quintana
Phone: 505-479-2296 **Email:** anisa.griego-quinta@cd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	500.	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	Substantial	Substantial	Substantial	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

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

Transferring victim notification responsibilities from district attorneys’ offices to the Corrections Department is likely to result in substantial additional expenses in the form of staffing and information technology needs for the Corrections Department.

The Corrections Department currently has a contract with the vendor Appriss, for the VINE system. It is managed by DoIT on behalf of several participating state agencies and counties. The current contract runs through 2028. Unfortunately, the VINE system is not fully compatible with the proposed requirements of the law because notification by VINE is dependent on a person’s voluntary registration with the VINE system.

SIGNIFICANT ISSUES

This is a critical bill that addresses victims’ rights and calls for the creation and establishment of a new victim notification process in New Mexico. Our department is a strong supporter of victims’ rights and enhancements to victims’ rights in New Mexico. There are, however, some logistics issues in this bill that cause concern.

With the proposed language, the DA’s responsibility would be completely removed and shifted to courts, county jails, the Parole Board, and the Corrections Department. At present, NMCD sends lists of inmates preparing for release to DA’s offices. Those offices have information identifying which cases have victims and details on how to make contact. In 2024 NMCD released 2,209 inmates. Not all cases had identified victims. DA offices were able to make that determination for each case and had contact information for victims. Currently there are 46 victim advocates located within DA’s offices statewide responsible for notifying crime victims of parole board hearings and inmate releases. By comparison, the Corrections Department’s has a staff of three in its victim services office.

Significantly, the Corrections Department does not have access to contact information for victims and proximally harmed individuals. The proposed bill states that the victim is responsible for providing the district attorney with current and updated information regarding the victim’s name, address, email address and telephone number. The bill is designating the district attorney’s office as the custodian of record for victim information. If this bill does pass, it will be necessary for the Corrections Department and other notifying entities to have access to the same information.

Finally, the proposed bill introduces an electronic notification system for crime victims. The bill specifically requires AOC, local government division of DFA, and NMCD maintain separate electronic notification systems. The language of the bill indicates that registration for notification by electronic means is optional for victims while seemingly making notification mandatory. The Corrections Department recommends that notification be based on victim and proximally harmed persons prompting notification by registering to be notified.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None for the Corrections Department.