

LFC Requester:

Eric Chenier

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: <u>24 JAN 2025</u>	<i>Check all that apply:</i>	
Bill Number: <u>SB 2</u>		
Origin <input checked="" type="checkbox"/> al		Correct <input type="checkbox"/> ion
Amend <input type="checkbox"/> ment		Substit <input type="checkbox"/> ute

Sponsor: Benny Shendo, Jr. and George K. Muñoz and David M. Gallegos

Agency Name and Code Number: 790 – Department of Public Safety

Person Writing Analysis: Louise Riebe

Appropriation: Public Health and Safety Initiatives

Short Title: _____

Phone: 505-827-9080 **Email:** Louise.Riebe@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$5,000.0	\$0.0	Nonrecurring Sec 7	General Fund
\$2,000.0	\$0.0	Nonrecurring Sec 10	General Fund

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0.0	\$0.0	\$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	\$0.0	\$0.0	\$0.0	\$0.0	N/A	N/A

(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

Appropriates a total of \$92 million (GF, nonreverting) for thirteen (13) public health and safety initiatives throughout the state, as detailed below:

ADMINISTRATIVE OFFICE OF THE COURTS: \$1.7 million for use in FY2025 and subsequent years for regional planning and sequential intercept resource mapping statewide, including costs associated with monitoring, quality assurance and setting statewide standards related to relevant elements within regional plans.

ADMINISTRATIVE OFFICE OF THE COURTS: \$7 million for use in FY2025 and subsequent years for:

- (1) grants to judicial districts based on the submitted regional plans to enhance regional case management, behavioral health grant writing, peer-operated crisis response and recovery support services, behavioral health and homeless outreach and engagement; and
- (2) grants to judicial districts based on the submitted regional plans for specialty, diversion, problem-solving and treatment courts and associated programs and pretrial services.

HEALTH CARE AUTHORITY: \$10 million for use in FY2025 and subsequent years for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for assisted outpatient treatment, medication-assisted treatment, assertive community treatment, other best-practice and evidence-informed outpatient and diversion services, promising practices and community-based wraparound services and resources.

HEALTH CARE AUTHORITY: \$43 million for use in FY2025 and subsequent years for grants to counties and municipalities based on the submitted regional plans for regional transitional acute care facilities and certified community behavioral health clinics that are located in a municipality with a state institution of higher education and remain eligible for Medicaid. The Health Care Authority shall consult with the Department of Health when making grants to counties and municipalities. Funding may be used to cover service, transportation and lease costs, including community-based services and supports. Not more than \$8 million may be used to establish or expand behavioral health investment zones based on epidemiological data and other source data that identify the combined incidence of mortality related to alcohol use, drug overdose and suicide and on any other behavioral health data deemed necessary.

HEALTH CARE AUTHORITY: \$7.5 million for use in FY2025 and subsequent years for use by the Authority and for grants to federally qualified health centers, counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for twenty-four-hour

crisis response facilities, associated services and technical assistance support. Funding may be used to cover service, logistic and lease costs not eligible for Medicaid funding on a multiyear basis.

CORRECTIONS DEPARTMENT: \$1.3 million for use in FY2025 and subsequent years for use by the Department and for grants to counties based on regional plans for discharge planning from correctional facilities and to assist discharged persons to connect with recovery support services and treatment and community-based behavioral health supports that supplement or enhance transitional services covered by Medicaid. The Corrections Department shall consult with the Department of Health when making grants to counties.

DEPARTMENT OF PUBLIC SAFETY: \$5 million for use in FY2025 and subsequent years for the Department of Public Safety, in consultation with the Health Care Authority, for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans to be used by law enforcement and behavioral health service providers to purchase regional mobile crisis response, recovery and outreach equipment and vehicles.

HEALTH CARE AUTHORITY: \$11.5 million for use in FY2025 and subsequent years for the Health Care Authority, in consultation with the Department of Public Safety, for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for regional mobile crisis and recovery response, intervention and outreach teams.

HEALTH CARE AUTHORITY: \$1 million for use in FY2025 and subsequent years for education and outreach within behavioral health regions on available behavioral health services based on behavioral health plans.

DEPARTMENT OF PUBLIC SAFETY: \$2 million for use in FY2025 and subsequent years for grants to state agencies, counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for diversion, crisis intervention, collaborative and embedded crisis response, mental health, social work, community and intercept resources training.

UNIVERSITY OF NEW MEXICO: \$1 million for use in FY2025 and subsequent years for UNM's Health Sciences Center for mobile health units, medication-assisted treatment and other health outreach to homeless persons, including telemedicine.

DEPARTMENT OF HEALTH: \$1 million for use in FY2025 and subsequent years for mobile health units, medication-assisted treatment and other health outreach to homeless persons, including telemedicine.

DEPARTMENT OF FINANCE AND ADMINISTRATION: \$48 million for use in FY2025 and subsequent years for the New Mexico Mortgage Finance Authority as the state housing authority to establish a program based on the submitted regional plans to support the expansion of housing services providers that facilitate behavioral health services and substance misuse recovery, homelessness assistance and prevention for persons with behavioral health needs and transitional housing.

FISCAL IMPLICATIONS

The Department of Public Safety (DPS) is a recipient of two (2) appropriations:

“SECTION 7. APPROPRIATION--DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY.--Five million dollars (\$5,000,000) is appropriated from the general fund to the department of public safety, in consultation with the health care authority, for expenditure in fiscal year 2025 and subsequent fiscal years for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans to be used by law enforcement and behavioral health service providers to purchase regional mobile crisis response, recovery and outreach equipment and vehicles. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

SECTION 10. APPROPRIATION--DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS INTERVENTION AND RESPONSE.--Two million dollars (\$2,000,000) is appropriated from the general fund to the department of public safety for expenditure in fiscal year 2025 and subsequent fiscal years for grants to state agencies, counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for diversion, crisis intervention, collaborative and embedded crisis response, mental health, social work, community and intercept resources training. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.”

In addition, DPS is listed as a collaborating agency in one (1) appropriation with the Health Care Authority (HCA):

“SECTION 8. APPROPRIATION--HEALTH CARE AUTHORITY--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY TEAMS.--Eleven million five hundred thousand dollars (\$11,500,000) is appropriated from the general fund to the health care authority, in consultation with the *department of public safety*, for expenditure in fiscal year 2025 and subsequent fiscal years for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for regional mobile crisis and recovery response, intervention and outreach teams. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.”

- DPS, as a public safety agency, is not the best suited agency to disburse one of these two critically needed appropriations. When funding allocations are made to state agencies for the purpose of sub-granting funds out, funding is best managed by the expert cognizant agency who works with and oversees the primary recipient population. DPS believes that in the instance of the funding distribution listed in Section 10, behavioral health agencies led by expert and licensed staff are the appropriate agencies to award these training funds to recipients. DPS is, and will always be, available to provide consultation and guidance with all agencies and entities on law enforcement related initiatives and funding allocations.

SIGNIFICANT ISSUES

The New Mexico State Police (NMSP) is creating a new Crisis Intervention Response Team (CIRT) that will be staffed by current commissioned officers trained to respond to individuals experiencing mental health crises by de-escalating situations and providing support to ensure the safety and well-being of the individuals involved, diversion from the criminal justice system whenever possible, and connect them to appropriate mental health services. As NMSP provides

service and support to law enforcement agencies throughout the State, this new Team will incur these expenditures outlined in these two (2) sections to stand it up and will benefit from direct receipt of part of the two (2) appropriations:

SECTION 7. APPROPRIATION--DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY to purchase regional mobile crisis response, recovery and outreach equipment and vehicles.

SECTION 10. APPROPRIATION--DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS INTERVENTION AND RESPONSE for diversion, crisis intervention, collaborative and embedded crisis response, mental health, social work, community and intercept resources training.

PERFORMANCE IMPLICATIONS

DPS is proposing to change the recipient agencies, collaborating agencies, and amounts awarded in Sections 7, 8 and 10 to enable the best-positioned agencies to provide services in their respective areas-of-expertise.

ADMINISTRATIVE IMPLICATIONS

If DPS remains as the recipient agency for the Section 7 and Section 10 appropriations, we will develop and implement a fair and equitable application process for entities wishing to apply for funding. However, the agency will experience challenges processing funding applications for disciplines other than law enforcement, such as behavioral health. Behavioral health provider funding is best served coming from the Healthcare Authority, rather than DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None to DPS.

TECHNICAL ISSUES

None to DPS.

OTHER SUBSTANTIVE ISSUES

None identified by DPS.

ALTERNATIVES

See AMENDMENTS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain and funding will not be available for these critical initiatives and needs.

AMENDMENTS

SECTION 7. APPROPRIATION--DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY.--~~Five million dollars (\$5,000,000)~~Two million five hundred thousand dollars (\$2,500,000) is appropriated from the general fund to the department of public safety,~~in consultation with the health care authority,~~ for expenditure in fiscal year 2025 and subsequent fiscal years ~~for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans to be used by law enforcement and behavioral health service providers~~ to purchase regional mobile crisis response, recovery and outreach equipment and vehicles. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

It is strongly recommended that the remaining two million five hundred thousand dollars (\$2,500,000) is appropriated from the general fund to the Healthcare Authority for funding disbursement to behavioral health providers as proposed next:

SECTION 78. APPROPRIATION--~~DEPARTMENT OF PUBLIC SAFETY~~--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY.--~~Five million dollars (\$5,000,000)~~ Two million five hundred thousand dollars (\$2,500,000) is appropriated from the general fund to the ~~department of public safety~~ health care authority, in consultation with the ~~health care authority~~ department of public safety, for expenditure in fiscal year 2025 and subsequent fiscal years for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans to be used by law enforcement and behavioral health service providers to purchase regional mobile crisis response, recovery and outreach equipment and vehicles. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

SECTION 8-9. APPROPRIATION--HEALTH CARE AUTHORITY--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY TEAMS.--~~Eleven million five hundred thousand dollars (\$11,500,000)~~ Eight million five hundred thousand dollars (\$8,500,000) is appropriated from the general fund to the health care authority, in consultation with the department of public safety, for expenditure in fiscal year 2025 and subsequent fiscal years for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for regional mobile crisis and recovery response, intervention and outreach teams. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

SECTION 810. APPROPRIATION--~~HEALTH CARE AUTHORITY~~DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS RESPONSE AND RECOVERY TEAMS.--~~Eleven million five hundred thousand dollars (\$11,500,000)~~ Three million dollars (\$3,000,000) is appropriated from the general fund to the ~~health care authority~~ department of public safety,~~in consultation with the department of public safety,~~ for expenditure in fiscal year 2025 and subsequent fiscal years ~~for grants to counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans~~ for regional mobile crisis and recovery response, intervention and outreach teams. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

It is recommended that a direct funding allocation be made to the New Mexico State Police targeting expenses related to the establishment of their new Crisis Intervention Response Team. Direct funding of this initiative will be less cumbersome and more productive than utilizing a passthrough entity to disburse the funds.

Renumber all remaining sections.

SECTION ~~10~~ 13. APPROPRIATION--DEPARTMENT OF PUBLIC SAFETY--REGIONAL PLANNING--CRISIS INTERVENTION AND RESPONSE.--Two million dollars (\$2,000,000) is appropriated from the general fund to the ~~department of public safety~~ health care authority for expenditure in fiscal year 2025 and subsequent fiscal years for grants to state agencies, counties and municipalities and Indian nations, tribes and pueblos based on the submitted regional plans for diversion, crisis intervention, collaborative and embedded crisis response, mental health, social work, community and intercept resources training. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.”

It is strongly recommended that “state agency” is added to this legislation. If not, the New Mexico State Police will not be able to apply for these funds. Additionally, this funding is primarily healthcare and social services related and could best be managed by the Healthcare Authority.