

LFC Requester:

Scott Sanchez

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

### SECTION I: GENERAL INFORMATION

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

**Date Prepared:** January 24, 2025

*Check all that apply:*

**Bill Number:** Senate Bill 54

Original X Correction       
Amendment      Substitute     

**Sponsor:** Senator Katy M. Duhigg

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Short Title:** Criminal Justice Changers  
[sic]

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

#### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

None specifically identified at this time.

Duplicates/Relates to Appropriation in the General Appropriation Act

Senate Bill 2 may relate to this bill as an appropriation.

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

This bill proposes to make numerous changes to statutory provisions involving criminal justice, and to add new sections also involving criminal justice. This bill provides for changes in areas of training and provision of mental health in the correction facilities, collection of data under the New Mexico Sentencing Commission, reentry by those incarcerated into the workforce, and funds to provide for such types of efforts.

Changes in the bill include providing for courses of instruction and practical training for a county detention officer, coordinating reentry efforts for a person released from prison; requiring the New Mexico sentencing commission to create a public crime data dashboard; expanding medication-assisted treatment programs in correctional facilities; requiring correctional facilities to track and report data on medication-assisted treatment; providing for the expansion of the criminal justice workforce; providing for training for interaction with a person in crisis; providing eligibility requirements for pre-prosecution diversion programs; providing for a judicial district to establish a treatment court program; providing for a magistrate, metropolitan or district court to impose standard probation conditions to maintain public safety; allowing for crime mapping to utilize crime data to interrupt or deter violence; providing for continuing judicial education on substance use disorder, mental health conditions and co-occurring disorder; creating the law enforcement deflection program; establishing a nonmedical intervention plan for transfer for a person in crisis; creating the forensic laboratory bureau fund; creating the jail reentry fund; creating the clinical supervision fund; providing a temporary provision for the statewide plan for a community based crisis treatment system, and making appropriations.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

N/A

## **PERFORMANCE IMPLICATIONS**

Section 1(B)(4) provides language for incentive and stipend programs for academy and specialty trainers. However, it does not expressly provide a requirement for it, nor does it detail how the incentive and stipend programs should be carried out. For example, clarifying language could help ensure that upfront payment is not made without the long-term benefit.

## **ADMINISTRATIVE IMPLICATIONS**

Section 1(F) references that the corrections department shall enforce health care authority orders and rules pertaining to behavioral health in corrections. While the New Mexico health care authority issues rules, it is unclear under what statute the orders are issued and where the most updated versions are kept with the New Mexico health care authority for reference by the public. Providing this clarification in the bill, including citation to the associated statute, and the way the orders shall be kept may better ensure communications and timely adherence regarding such orders.

The language within Section 16 references that the department of public safety in collaboration with the New Mexico law enforcement academy shall establish guidelines and a training program to assist law enforcement agencies in implementing policies and procedures. However, to the extent the New Mexico law enforcement academy remains under the employment of the department of public safety, the language would be proposing to have the agency consult with a component of itself. Consider amending the definition in Section 16(D) to describe the situation more clearly, rather than a person.

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

None specifically identified at this time.

## **TECHNICAL ISSUES**

None identified at this time.

## **OTHER SUBSTANTIVE ISSUES**

The term “specialty trainer” in Section 1(A)-(B)(4) does not appear elsewhere in the bill. Consider defining the term and referencing it where it may exist in other provisions.

Section 1(B)(7) replaces “with the objective of improving the operations and efficiency of administration,” with a line that provides for the training for “a county detention officer.” The non-pluralized phrase is ambiguous as to whether such training is intended for every county detention officer entering employment within the agency, particularly since that term follows the other language about persons involved in the administration of programs. Consider clarifying whether this is intended for county detention officers and other staff entering employment or carrying out the administration, and whether the bill contemplates that this training will include certain aspects otherwise discussed in the bill, including mental health, reentry services, medication-assisted treatment programs, and data driven interventions.

Section 5(D)(1)(e) provides preference in making awards for loan repayment under NMSA 1978, Section 22-22F-5 or associated statutory provision, to certain applicants, including those who work for a public defender’s office or district attorney’s office. However, there are other individuals who work in the areas of criminal justice, such as City or county attorneys (enforce

certain provisions involving crimes, including special commissions from the district attorney's office), attorneys with the children, youth and families department (work with abuse and neglect, etc.), and the New Mexico department of justice (work under the criminal code).

Section 7(D)(4)-(F) does not use the word "county" when referencing correctional facilities, which appears to be the intent. Consider amending to clarify.

Section 12 pertains to county detention officers. Consider amending to clarify which detention officers this section applies to. Consider clarifying how an impasse between the corrections department and the jail administrator of any facility cannot reach an agreement as to the training program.

Section 13. Consider defining "co-occurring disorder."

Section 14(M)-(T) provides various definitions "person in crisis" and "behavioral health crisis," even though Section 13(D) provides a description of "crisis." Section 29(A)(4) defines an "individual in crisis." These descriptions may be inconsistent with one another.

Section 15 is unclear about which entity will provide the grants and based on what appropriations and associated funds. Criteria for grant applications and awards at the state level may provide greater clarification to the agency administering the grant as well as the applicants.

Section 16 is unclear as to what criteria a private entity must meet to be considered a private community service. Also, consider defining "public community service."

Section 17. More clear criteria around what constitutes a substantial danger may add more uniformity across district attorney's offices in implementing this part of the provision.

Section 18(C) makes reference to participation in treatment court diversion prior to adjudication. It is unclear in what instances a court would terminate a defendant from the program when the defendant has abided by the conditions of the program. Additionally, while reference is made to tolling of the statute of limitations, the statute does not speak to other timelines following the applicable charging document, such as a six-month prosecution timeline or whether any language can inform a court how to apply constitutional speedy trial factors or considerations.

## **ALTERNATIVES**

None identified at this time.

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

Status quo.

## **AMENDMENTS**

None identified at this time.