

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

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

Date Prepared: 01/23/2025 Check all that apply:
Bill Number: SB54 Original [X] Correction [ ]
Amendment [ ] Substitute [ ]

Sponsor: Katy Duhigg Agency Name and Code Number: 770-NMCD
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Table with 4 columns: Appropriation (FY25, FY26), Recurring or Nonrecurring, Fund Affected. Values: 0, 0, N/A, N/A.

(Parenthesis ( ) indicate expenditure decreases)

REVENUE (dollars in thousands)

Table with 5 columns: Estimated Revenue (FY25, FY26, FY27), Recurring or Nonrecurring, Fund Affected. Values: 0, 0, 0, N/A, N/A.

(Parenthesis ( ) indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	Significant	Significant	Significant	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: Senate Bill 54 creates several initiatives, requirements, and funds in proposing a coordinated multi-agency approach to addressing behavioral health issues that impact public safety and corrections statewide. These approaches include workforce development and in-service training, system-wide behavioral health standards of care, data management to target law enforcement resources, crisis intervention, law enforcement deflection, medical treatment and intervention, pre-trial diversion and post-incarceration re-entry programs, and the creation of a statewide plan for community-based crisis intervention.

The proposal contemplates a coordinated focus on addressing systemic health and public safety problems in the state caused by unrecognized, untreated, or inconsistently treated behavioral health disorders, including mental illness and substance abuse.

Among the major initiatives are:

- Requirement for all law enforcement agencies to establish policies and procedures for interacting with persons in crisis, including provisions for referral to treatment.
- Allowing law enforcement officers to resolve an intervention by transferring an individual to an appropriate treatment facility or program.
- Allowing all District Courts to create Treatment Court Diversion programs, including drug courts and mental health courts that meet specific guidelines.
- Corrections Department must offer medication-assisted treatment for incarcerated persons in state correctional facilities by December 31, 2025 and county detention facilities by December 31, 2026; Corrections Department must develop and implement policies to provide medication-assisted treatment and must provide all FDA-approved medications for substance abuse and withdrawal for all state correctional facilities and county detention facilities with each state correctional facility and county detention facility required to track and report detailed data to the Health Care Authority.
- Law Enforcement Academy training must now include interacting with persons in crisis, and county detention officers may also attend and become certified.
- Criminal Procedures Act amended definitions include “mental illness,” “substance abuse disorder,” “person in crisis,” “behavioral health crisis,” “law enforcement deflection program,” “treatment,” “mental health professional,” and “validated risk and needs assessment.”

- Corrections Department shall enforce Health Care Authority rules pertaining to behavioral health care in facilities and must offer incentives and stipends to academy and special trainers.
- Corrections Department Secretary shall provide courses of instruction and practical training for “a county detention officer.”
- NM Sentencing Commission shall coordinate reentry efforts for persons released from prison and detention centers; foster collaboration among stakeholders; and establish minimum standards for reentry including pre-release assessments, behavioral and physical health continuum of care, employment, housing and basic needs.
- Coordinating with the DPS Uniform Crime Reporting System, the NM Sentencing Commission must create a public crime data dashboard on its website to facilitate targeted initiatives.
- District Attorneys must determine eligibility for pre-prosecution diversions programs.
- The Criminal Procedures Act would require courts to impose standard probation conditions on defendants, as well as special conditions necessary for successful rehabilitation based on assessment instruments to be implemented and monitored by probation officers.
- Judicial orders deferring or suspending a sentence may allow participants to complete an alternative program, treatment or activity, including Treatment Court programs.
- Pre-sentence and pre-release reports must include the results of an evaluation or assessment to guide decisions regarding treatment, eligibility, placement or level of supervision.
- Parole Board may impose special conditions necessary for successful rehabilitation.
- Court Education Services Division of the AOC shall provide training for judges, magistrates and court personnel on substance abuse disorders, mental health and co-occurring disorders upon assuming office or employment.
- A temporary provision creates a statewide system of community-based treatment, administered by the Behavioral Health Services Division of HCA; the Director must establish a statewide plan for the system, and submit it to the Legislative Health and Human Services Committee by June 30, 2026.

Other provisions would create: a Forensic Laboratory Bureau Fund administered by DPS to expand operations and reduce delays in processing evidence; the Jail Reentry Fund to support reentry into society of incarcerated persons; and a Clinical Supervision Fund. Certain higher education loan-for-service programs would allow service in critical focus areas for loan forgiveness; and the Telehealth Act is expanded to include behavioral health services.

## **FISCAL IMPLICATIONS**

This bill would have significant fiscal impacts on the New Mexico Corrections Department (NMCD), although exact figures are indeterminate at this time, see below for description of the issues and their potential impacts.

## **SIGNIFICANT ISSUES**

It appears that the bill is intended to require the Secretary of NMCD to train all county detention officers at NMCTA. This would create significant issues as follows:

- NMCD has agency-specific policies, procedures, and practices that may differ from policies, procedures, and practices at county detention facilities.
- Management of county detention facilities is not within the current scope of the Secretary of NMCD's duties or authority.

## **PERFORMANCE IMPLICATIONS**

This bill would cause significant performance implications for NMCD, including:

- Locating reentry coordination within the NM Sentencing Commission, as the Commission's primary focus is on crime review and projections, data collection, and legislative recommendations for statute changes.
- Creating minimum standards for reentry, as this would be difficult given the distinct roles of prison and detention centers, including sentence length and availability of resources for housing and treatment services.
- NMCD's probation and parole officers currently facilitate a set of standard conditions of supervision. The conditions on Page 47 B1-4 propose to replace the current standard conditions of probation and do not include the basic probationary requirements, including use of controlled substances.

## **ADMINISTRATIVE IMPLICATIONS**

Senate Bill 54 could significantly impact NMCD by expanding its role in treatment and rehabilitation, affecting operations, staffing, and resources as described below:

- Medication-Assisted Treatment Programs: Section 7 mandates that NMCD operate medication-assisted treatment in both state and county facilities. However, since NMCD does not manage or oversee county facilities, this would create jurisdictional conflicts and complicated implementation.
- Policy Development and Implementation: Section 7 requires NMCD to develop and publish policies for medication-assisted treatment in both state correctional facilities and county detention facilities. This could be problematic as NMCD does not have the authority to enforce policies within county detention facilities, leading to inconsistencies and potential non-compliance.
- Continuum of Behavioral Health Care: Section 7 calls for coordinated behavioral health care across county and state facilities, but NMCD lacks legal authority over county facilities, which may result in care gaps and coordination challenges.
- Training for County Detention Officers: Section 12 mandates training for county detention

officers through NMCD's training academy. However, NMCD has no legal authority over county officers, and the requirement to train county detention officers could potentially lead to jurisdictional disputes and challenges in implementation.

- **Increased Administrative Burden:** Section 7 discusses tracking and reporting data on medication-assisted treatment which would require additional resources and staff, increasing administrative workload.
- **Funding and Resource Allocation:** The creation of new funds (e.g., Jail Reentry Fund, Clinical Supervision Fund) and expanded programs may demand substantial financial resources along with a risk of underfunding the initiatives.
- **Training Strain:** Section 12 discusses new training mandates for county officers (and Section 13 addresses training for law enforcement both of which may strain existing resources, requiring additional funding and personnel.
- **Probation and Parole Conditions:** Section 19 addresses standardized probation conditions and validated risk assessments which could limit flexibility in managing individual probationer cases effectively.
- **Impact on Correctional Staff:** Additional responsibilities could increase workload and stress on correctional staff, potentially affecting their performance and well-being.
- **Legal and Operational Risks:** Section 15's provisions for nonmedical interventions may pose legal and operational risks, particularly regarding liability and the proper handling of individuals in crises.

Additional requirements in the bill could impact the following:

- Workload, stress, performance, and well-being of staff at the New Mexico Corrections Training Academy (NMCTA), correctional officers, and probation and parole officers.
- The bill would also mandate risk/needs assessments for individuals subject to pre-sentence reports, which would add an extra step for probation and parole officers.

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

The new definition of "correctional facility" in Section 24-1-5.11.F. makes differentiating between a "state correctional facility" and a "correctional facility" difficult. Portions of the bill seem to be overlapping, duplicative, or conflicting. Compare Section 24-1-5.11.D(2) with proposed new Section 24-1-5.11.D.(4). Compare Section 24-1-5.11.D.(3) with proposed new Section 21-1-5.11.D.(5).

## **TECHNICAL ISSUES**

None for NMCD.

## **OTHER SUBSTANTIVE ISSUES**

The bill would include other substantive issues, including the execution of special supervision conditions, clarity of funding for per diem costs, and clarity of funding for more behavioral health professionals.

- Supervision conditions: On page 47, section C discusses waiting for the assessment to be conducted, which could take 45-60 days from an offenders start of supervision and thus; any special conditions would not be in place immediately and with the addition of time for Judges to respond could result in offenders being on supervision prior to special conditions being ordered This would increase the paperwork for every case and every Judgment and Sentence would be required to be amended when special conditions are added.
- Per diem: Page 34 of the bill includes the following language: “Per diem, mileage and tuition expenses of a county detention officer shall be paid for by the detention and corrections workforce capacity building fund for attending and completing the training.” It does not appear that there are funds in this bill to support this initiative or funds in the LFC recommendation.
- Behavioral health professionals: The incentive award listed on page 16, number 4, could possibly increase the number of behavioral health professionals who are willing to work with NMCD clients both in the facility and while on supervision. Budget issues should be considered given that with the incentive, existing or new positions would need to be available, and funding would need to be in place to support the addition of these services. If these positions were for community programs independent of NMCD, funding for the client services would need to be increased as not all clients are covered under Medicaid.

## **ALTERNATIVES**

None for NMCD.

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

Status quo.

## **AMENDMENTS**

None proposed by NMCD.