

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 54

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

AN ACT

RELATING TO PUBLIC SAFETY; AMENDING DEFINITIONS; PROVIDING FOR  
COURSES OF INSTRUCTION AND PRACTICAL TRAINING FOR A COUNTY  
DETENTION OFFICER; 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 AND PROCEDURES FOR INTERACTION WITH A PERSON  
EXPERIENCING A BEHAVIORAL HEALTH CRISIS; PROVIDING ELIGIBILITY  
REQUIREMENTS FOR PREPROSECUTION DIVERSION PROGRAMS; PROVIDING  
FOR A JUDICIAL DISTRICT TO ESTABLISH A TREATMENT COURT PROGRAM;  
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-

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1 OCCURRING DISORDERS; CREATING THE LAW ENFORCEMENT DEFLECTION  
2 PROGRAM; PROVIDING A TEMPORARY PROVISION FOR THE STATEWIDE PLAN  
3 FOR A COMMUNITY-BASED CRISIS TREATMENT SYSTEM; CREATING THE  
4 CLINICAL SUPERVISION FUND.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. Section 9-3-5 NMSA 1978 (being Laws 1977,  
8 Chapter 257, Section 6, as amended) is amended to read:

9 "9-3-5. SECRETARY--DUTIES AND GENERAL POWERS.--

10 A. The secretary of corrections is responsible to  
11 the governor for the operation of the corrections department.  
12 It is [~~his~~] the secretary's duty to manage all operations of  
13 the department and to administer and enforce the laws with  
14 which [~~he~~] the secretary or the department is charged.

15 B. To perform [~~his~~] the secretary's duties, the  
16 secretary has every power expressly enumerated in the laws,  
17 whether granted to the secretary of the department or any  
18 division of the department, except where authority conferred  
19 upon any division is explicitly exempted from the secretary's  
20 authority by statute. In accordance with these provisions, the  
21 secretary shall:

22 (1) except as otherwise provided in the  
23 Corrections Department Act, exercise general supervisory and  
24 appointing authority over all department employees, subject to  
25 any applicable personnel laws and [~~regulations~~] rules;

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1                   (2) delegate authority to subordinates as [~~he~~]  
2 the secretary deems necessary and appropriate, clearly  
3 delineating such delegated authority and the limitations  
4 thereto;

5                   (3) organize the department into those  
6 organizational units [~~he~~] the secretary deems will enable it to  
7 function most efficiently, subject to any provisions of law  
8 requiring or establishing specific organizational units;

9                   (4) within the limitations of available  
10 appropriations and applicable laws, employ and fix the  
11 compensation of those persons necessary to discharge [~~his~~] the  
12 secretary's duties, including incentive and stipend programs  
13 for academy and specialty trainers;

14                   (5) take administrative action by issuing  
15 orders and instructions, not inconsistent with the law, to  
16 assure implementation of and compliance with the provisions of  
17 law for whose administration or execution [~~he~~] the secretary is  
18 responsible and to enforce those orders and instructions by  
19 appropriate administrative action or actions in the courts;

20                   (6) conduct research and studies and  
21 incorporate best practices that will improve the operations of  
22 the department and the provision of services to the [~~citizens~~]  
23 residents of the state;

24                   (7) provide courses of instruction and  
25 practical training for employees of the department and other

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1 persons involved in the administration of programs [~~with the~~  
2 ~~objective of improving the operations and efficiency of~~  
3 ~~administration~~];

4 (8) prepare an annual budget of the  
5 department;

6 (9) provide cooperation, at the request of  
7 heads of administratively attached agencies, in order to:

8 (a) minimize or eliminate duplication of  
9 services and jurisdictional conflicts;

10 (b) coordinate activities and resolve  
11 problems of mutual concern; and

12 (c) resolve by agreement the manner and  
13 extent to which the department shall provide budgeting,  
14 [~~record-keeping~~] recordkeeping and related clerical assistance  
15 to administratively attached agencies;

16 (10) appoint, with the governor's consent, a  
17 "director" for each division. These appointed positions are  
18 exempt from the provisions of the Personnel Act. Persons  
19 appointed to these positions shall serve at the pleasure of the  
20 secretary;

21 (11) give bond as provided in the Surety Bond  
22 Act. The department shall pay the costs of the bonds; and

23 (12) require performance bonds of such  
24 department employees and officers as [~~he~~] the secretary deems  
25 necessary, as provided in the Surety Bond Act. The department

1 shall pay the costs of the bonds.

2 C. The secretary may apply for and receive, with  
3 the governor's approval, in the name of the department any  
4 public or private funds, including United States government  
5 funds, available to the department to carry out its programs,  
6 duties or services.

7 D. Where functions of departments overlap or a  
8 function assigned to one department could better be performed  
9 by another department, a secretary may recommend appropriate  
10 legislation to the next session of the legislature for its  
11 approval.

12 E. The secretary may make and adopt such reasonable  
13 [~~and~~] procedural rules [~~and regulations~~] as may be necessary to  
14 carry out the duties of the department and its divisions. No  
15 rule [~~or regulation~~] promulgated by the director of any  
16 division in carrying out the functions and duties of the  
17 division shall be effective until approved by the secretary.  
18 Unless otherwise provided by statute, no [~~regulation~~] rule  
19 affecting any person or agency outside the department shall be  
20 adopted, amended or repealed without a public hearing on the  
21 proposed action before the secretary or a hearing officer  
22 designated by [~~him~~] the secretary. The public hearing shall be  
23 held in Santa Fe unless otherwise permitted by statute. Notice  
24 of the subject matter of the [~~regulation~~] rule, the action  
25 proposed to be taken, the time and place of the hearing, the

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1 manner in which interested persons may present their views and  
2 the method by which copies of the proposed [~~regulation~~] rule or  
3 proposed amendment or repeal of an existing [~~regulation~~] rule  
4 may be obtained shall be published once at least thirty days  
5 prior to the hearing date in a newspaper of general circulation  
6 and mailed at least thirty days prior to the hearing date to  
7 all persons who have made a written request for advance notice  
8 of hearing. All rules [~~and regulations~~] shall be filed in  
9 accordance with the State Rules Act.

10 F. Behavioral health services, including mental  
11 health and substance abuse services, provided by the department  
12 for persons under the department's supervision shall be in  
13 compliance with the requirements of Section 9-7-6.4 NMSA 1978.  
14 The corrections department shall comply with the health care  
15 authority orders and rules pertaining to behavioral health in  
16 corrections."

17 SECTION 2. Section 9-3-10 NMSA 1978 (being Laws 1977,  
18 Chapter 257, Section 11, as amended) is amended to read:

19 "9-3-10. NEW MEXICO SENTENCING COMMISSION--CREATION--  
20 MEMBERSHIP--DUTIES.--

21 A. There is created the "New Mexico sentencing  
22 commission".

23 B. The New Mexico sentencing commission shall be  
24 composed of twenty-seven members. Appointed members shall  
25 serve at the pleasure of the appointing authority. The

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1 commission shall reflect reasonable geographical and urban-  
2 rural balances and regard for the incidence of crime and the  
3 distribution and concentration of law enforcement services in  
4 the state. Public members appointed to the commission shall  
5 not be employees of or under contract by another state agency.

6 The commission shall consist of the following individuals or  
7 their designees:

8 (1) the attorney general;  
9 (2) a district attorney appointed by the New  
10 Mexico district attorney's association or its successor agency;

11 (3) the chief public defender;

12 (4) two district court judges, one of whom  
13 shall be a children's court judge, appointed by the district  
14 and metropolitan judges association or its successor agency;

15 (5) a magistrate judge appointed by the chief  
16 justice of the supreme court;

17 (6) the director of the administrative office  
18 of the courts;

19 [~~6~~] (7) the dean of the university of New  
20 Mexico school of law;

21 [~~7~~] (8) the secretary of corrections;

22 [~~8~~] (9) the secretary of public safety;

23 [~~9~~] (10) the secretary of children, youth  
24 and families;

25 [~~10~~] (11) the secretary of public education;

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1                    [~~(11)~~] (12) a representative from the  
2 behavioral health services division of the [~~human services~~  
3 ~~department~~] health care authority;

4                    [~~(12)~~] (13) a county sheriff appointed by the  
5 executive director of the New Mexico association of counties;

6                    [~~(13)~~] (14) two public members appointed by  
7 the governor, one of whom shall be designated as chair of the  
8 New Mexico sentencing commission by the governor;

9                    [~~(14)~~] (15) three public members appointed by  
10 the president pro tempore of the senate;

11                    [~~(15)~~] (16) one public member appointed by the  
12 minority floor leader of the senate;

13                    [~~(16)~~] (17) three public members appointed by  
14 the speaker of the house of representatives;

15                    [~~(17)~~] (18) one public member appointed by the  
16 minority floor leader of the house of representatives;

17                    [~~(18) two public members~~] (19) one public  
18 member appointed by the chief justice of the supreme court;

19                    [~~(19)~~] (20) one public member who is Native  
20 American and a practicing attorney, appointed by the president  
21 of the state bar association; and

22                    [~~(20)~~] (21) one public member appointed by the  
23 governor who is a representative of a New Mexico victims'  
24 organization.

25                    C. A majority of the members of the New Mexico



1 sentencing commission constitutes a quorum for the transaction  
2 of commission business.

3 D. The New Mexico sentencing commission shall:

4 (1) hold meetings at times and for periods as  
5 the commission deems necessary;

6 (2) hire staff as needed to assist the  
7 commission in the performance of its duties;

8 (3) prepare an annual budget;

9 (4) establish policies for the operation of  
10 the commission and supervision of the activities of commission  
11 staff;

12 (5) advise the executive, judicial and  
13 legislative branches of government on policy matters relating  
14 to criminal and juvenile justice;

15 (6) make recommendations to the legislature  
16 concerning proposed changes to laws relating to the criminal  
17 and juvenile justice systems that the commission determines  
18 would improve those systems;

19 (7) annually assess, monitor and report to the  
20 legislature on the impact of any enacted sentencing standards  
21 and guidelines on state and local correctional resources and  
22 programs and the need for further sentencing reform;

23 (8) when developing proposed sentencing  
24 reform:

25 (a) study sentencing models in other

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1 jurisdictions;

2 (b) study the Criminal Sentencing Act,  
3 the Criminal Code and all other New Mexico statutes relating to  
4 criminal law, criminal sentencing, criminal procedure and  
5 probation and parole;

6 (c) review past studies or reports  
7 regarding proposed changes to the Children's Code, the Criminal  
8 Code, the Criminal Sentencing Act or other New Mexico statutes  
9 relating to criminal law, criminal sentencing, criminal  
10 procedure or probation and parole;

11 (d) study past and current criminal  
12 sentencing and release practices and create a statistical  
13 database for simulating the impact of various sentencing  
14 policies;

15 (e) study the full range of prison,  
16 nonprison and intermediate sanctions;

17 (f) determine the principal purpose for  
18 criminal sanctions;

19 (g) rank criminal offenses by degree of  
20 seriousness;

21 (h) determine the role of criminal  
22 history in making criminal sentencing decisions;

23 (i) define dispositional policy that  
24 determines when adult felony offenders are confined in state  
25 prisons and county jails or sentenced to nonprison and

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1 intermediate sanctions;

2 (j) establish the length of criminal  
3 sentences;

4 (k) establish the appropriate use of  
5 community service and fines;

6 (l) structure proposed sentencing  
7 guidelines to ensure consistency in all aspects of criminal  
8 sentencing policy;

9 (m) assess the impact of commission  
10 recommendations to modify criminal sentencing policy on the  
11 availability of and need for correctional resources and  
12 programs;

13 (n) use the expertise of a national or  
14 state organization with experience in sentencing reform; and

15 (o) present proposed legislation or  
16 recommendations regarding sentencing reform to the appropriate  
17 legislative interim committee;

18 (9) monitor any enacted sentencing guidelines  
19 with respect to uniformity and proportionality;

20 (10) conduct research relating to the use and  
21 effectiveness of any enacted guidelines, prosecution standards,  
22 offense charging, plea bargaining, sentencing practices,  
23 probation and parole practices and any other matters relating  
24 to the criminal justice system;

25 (11) serve as a clearinghouse for the

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1 systematic collection, analysis and dissemination of  
2 information relating to felony offense charges, plea  
3 agreements, convictions, sentences imposed, incarceration time  
4 actually served and actual and projected inmate population in  
5 the state correctional system;

6 (12) review all proposed legislation that  
7 creates a new criminal offense, changes the classification of  
8 an offense or changes the range of punishments for an offense  
9 and make recommendations to the legislature as to whether  
10 proposed changes would improve the criminal and juvenile  
11 justice system;

12 (13) contingent upon the availability of  
13 funding, provide impact estimates, incorporating prison  
14 population projections, on all proposed legislation that has  
15 the potential to affect correctional resources;

16 (14) create and maintain a data-sharing  
17 network to receive, store, analyze and disseminate criminal  
18 justice data for and between participating criminal justice and  
19 behavioral health agencies for the purpose of evaluating local  
20 and statewide criminal justice systems and programs and  
21 supporting, encouraging and accomplishing information sharing  
22 among criminal justice agencies and criminal justice  
23 coordinating councils;

24 (15) create a public crime data dashboard in  
25 conjunction with the department of public safety pursuant to

1 Section 29-3-11 NMSA 1978, to be hosted on the website of the  
2 New Mexico sentencing commission;

3 [~~(15)~~] (16) provide data analysis as requested  
4 by criminal justice agencies and criminal justice coordinating  
5 councils; and

6 [~~(16)~~] (17) promulgate rules governing the  
7 data-sharing network, data dashboard and data analysis pursuant  
8 to Paragraphs (14) [~~and (15)~~] through (16) of this subsection.  
9 The rules shall include procedures to:

10 (a) fulfill any requirements related to  
11 data privacy, security and protection so that information  
12 access and sharing [~~is~~] are permitted for authorized purposes,  
13 as defined by law, court order or for business practices that  
14 are a necessary component of the requesting agency's duties and  
15 functions and [~~is~~] are compatible with the purpose and  
16 expectations of use under which the information was collected;

17 (b) guide participating agencies to  
18 ensure accuracy, completeness, currency and reliability of  
19 information reported to the data-sharing network and the data  
20 dashboard;

21 (c) allow data querying and reporting  
22 tools for those authorized users who want to perform  
23 statistical analysis of some of the data collected and  
24 retained;

25 (d) provide safeguards to actively

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1 monitor and record: 1) access and use of the network's and the  
2 data dashboard's services and systems; and 2) the nature of  
3 information exchanges using the network and the data dashboard;  
4 and

5 (e) identify and recognize authorized  
6 users who access the network and the data dashboard.

7 E. The members of the New Mexico sentencing  
8 commission shall be paid pursuant to the Per Diem and Mileage  
9 Act and shall receive no other perquisite, compensation or  
10 allowance.

11 F. The New Mexico sentencing commission is  
12 administratively attached to the office of the governor."

13 SECTION 3. Section 21-22D-6 NMSA 1978 (being Laws 1995,  
14 Chapter 144, Section 21, as amended) is amended to read:

15 "21-22D-6. AWARD CRITERIA--CONTRACT TERMS--PAYMENT.--

16 A. Prior to receiving an award, the health  
17 professional shall file with the higher education department a  
18 declaration of intent to practice as a health professional in  
19 areas of New Mexico designated as underserved by the  
20 department. The department shall consult with the department  
21 of health when designating areas as underserved.

22 B. Award criteria shall provide that:

23 (1) amounts shall be dependent upon the  
24 location of the practice, the applicant's total health  
25 professional education indebtedness and characteristics of the

1 practice;

2 (2) preference in making awards shall be to  
3 individuals who have graduated from a New Mexico post-secondary  
4 educational institution;

5 (3) recruitment awards shall be made to  
6 eligible participants who agree to relocate to an approved  
7 designated area;

8 (4) highest priority shall be given to  
9 participants in practices in which health profession vacancies  
10 are difficult to fill, practices that require after hours call  
11 at least every other night, ~~and~~ practices that have heavy  
12 obstetrical responsibilities and practices that provide  
13 behavioral health services to people who are incarcerated,  
14 returned from incarceration or supervised by the corrections  
15 department;

16 (5) award amounts may be modified based upon  
17 available funding or other special circumstances; and

18 (6) an award shall not exceed the total  
19 medical education indebtedness of any participant.

20 C. The following education debts are not eligible  
21 for repayment pursuant to the Health Professional Loan  
22 Repayment Act:

23 (1) amounts incurred as a result of  
24 participation in state loan-for-service programs or other state  
25 programs whose purpose states that service be provided in

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1 exchange for financial assistance;

2 (2) scholarships that have a service component  
3 or obligation;

4 (3) personal loans from friends or relatives;  
5 and

6 (4) loans that exceed individual standard  
7 school expense levels.

8 D. The loan repayment award shall be evidenced by a  
9 contract between the health professional and the department  
10 acting on behalf of the state. The contract shall provide for  
11 the payment by the state of a stated sum to the health  
12 professional's debtors and shall state the obligations of the  
13 health professional under the program, including a minimum  
14 three-year period of service, quarterly reporting requirements  
15 and other policies established by the department.

16 E. Recipients shall serve a complete year in order  
17 to receive credit for that year. The minimum credit for a year  
18 shall be established by the department.

19 F. If a health professional does not comply with  
20 the terms of the contract, the department shall assess a  
21 penalty of up to three times the amount of award disbursed plus  
22 eighteen percent interest, unless the department finds  
23 acceptable extenuating circumstances for why the health  
24 professional cannot serve or comply with the terms of the  
25 contract. If the department does not find acceptable

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1       extenuating circumstances for the health professional's failure  
 2       to comply with the contract, the department shall require  
 3       immediate repayment plus the amount of the penalty.

4               G. The department shall adopt [~~regulations~~] rules  
 5       to implement the provisions of this section. The [~~regulations~~]  
 6       rules may provide for the disbursement of loan repayment awards  
 7       to the lenders of health professionals in annual or other  
 8       periodic installments."

9               SECTION 4. Section 21-22F-5 NMSA 1978 (being Laws 2005,  
 10       Chapter 83, Section 5, as amended) is amended to read:

11               "21-22F-5. LOAN REPAYMENT PROGRAM--PARTICIPANT  
 12       ELIGIBILITY--AWARD CRITERIA.--

13               A. An applicant shall be licensed to practice in  
 14       New Mexico as an attorney and shall declare an intent to  
 15       practice as an attorney in public service employment.

16               B. Prior to submitting an application to the public  
 17       service law loan repayment program, an applicant shall apply to  
 18       all available legal education loan repayment programs offered  
 19       by the applicant's law school for which the applicant  
 20       qualifies.

21               C. Prior to receiving a loan repayment award, the  
 22       applicant shall file with the department:

23                       (1) a declaration of intent to practice as an  
 24       attorney in public service employment;

25                       (2) proof of prior application to all legal

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1 education loan repayment programs offered by the applicant's  
2 law school for which the applicant qualifies; and

3 (3) documentation that includes the  
4 applicant's total legal education debt, salary, any amounts  
5 received by the applicant from other law loan repayment  
6 programs and other sources of income deemed by the department  
7 as appropriate for consideration; provided that the applicant  
8 shall not be required to disclose amounts of income from  
9 military service.

10 D. Award criteria shall provide that:

11 (1) preference in making awards shall be to  
12 applicants who:

13 (a) have graduated from the university  
14 of New Mexico law school;

15 (b) have the greatest financial need  
16 based on legal education indebtedness and salary;

17 (c) work in public service employment  
18 that has the lowest salaries; ~~and~~

19 (d) work in public service employment in  
20 underserved areas of New Mexico that are in greatest need of  
21 attorneys practicing in public service employment; and

22 (e) work for a public defender's office  
23 or district attorney's office in the state;

24 (2) an applicant's employment as an attorney  
25 in public service employment prior to participation in the

1 public service law loan repayment program shall not count as  
2 time spent toward the minimum three-year period of service  
3 requirement pursuant to the contract between the participating  
4 attorney and the department acting on behalf of the state;

5 (3) award amounts are dependent upon the  
6 applicant's total legal education debt, salary and sources of  
7 income other than income from military service deemed by the  
8 department as appropriate for consideration;

9 (4) award amounts may be modified based upon  
10 available funding or other special circumstances;

11 (5) an award shall not exceed the total legal  
12 education debt of any participant;

13 (6) award amounts shall be reduced by the sum  
14 of the total award amounts received by the participant from  
15 other legal education loan repayment programs; and

16 (7) an award determination may be appealed to  
17 the secretary of higher education.

18 E. The following legal education debts are not  
19 eligible for repayment pursuant to the Public Service Law Loan  
20 Repayment Act:

21 (1) amounts incurred as a result of  
22 participation in state or law school loan-for-service programs  
23 or other state or law school programs whose purposes state that  
24 service be provided in exchange for financial assistance;

25 (2) scholarships that have a service component

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1 or obligation;

2 (3) personal loans from relatives or friends;

3 and

4 (4) loans that exceed individual standard  
5 school expense levels."

6 SECTION 5. Section 21-22F-6 NMSA 1978 (being Laws 2005,  
7 Chapter 83, Section 6) is amended to read:

8 "21-22F-6. LOAN REPAYMENT CONTRACT TERMS--PAYMENT.--

9 A. The loan repayment award shall be evidenced by a  
10 contract between the participating attorney and the  
11 [~~commission~~] department acting on behalf of the state. The  
12 contract shall state the amount of the award and the  
13 obligations of the participating attorney under the public  
14 service law loan repayment program, including a minimum three-  
15 year period of service, quarterly reporting requirements and  
16 other policies established by the [~~commission~~] department.

17 B. A participating attorney shall serve a complete  
18 year in order to receive credit for that year. The minimum  
19 credit for a year shall be established by the [~~commission~~]  
20 department. The maximum credit for a year shall not exceed  
21 [~~seven thousand two hundred dollars (\$7,200)] twelve thousand  
22 dollars (\$12,000).~~

23 C. If a participating attorney does not comply with  
24 the terms of the contract, the [~~commission~~] department shall  
25 require immediate repayment of the award plus eighteen percent

1 interest and may assess a penalty of up to three times the  
 2 amount of award disbursed, unless the [~~commission~~] department  
 3 finds acceptable extenuating circumstances for why the  
 4 participating attorney cannot serve or comply with the terms of  
 5 the contract. If the [~~commission~~] department does not find  
 6 acceptable extenuating circumstances for the participating  
 7 attorney's failure to comply with the contract, the  
 8 [~~commission~~] department shall require immediate repayment of  
 9 the award plus the amount of the penalty.

10 D. The [~~commission~~] department, in consultation  
 11 with the committee, shall adopt rules to implement the  
 12 provisions of this section. The rules may provide for the  
 13 disbursement of loan repayment awards in annual or other  
 14 periodic installments."

15 SECTION 6. Section 24-1-5.11 NMSA 1978 (being Laws 2023,  
 16 Chapter 49, Section 1) is amended to read:

17 "24-1-5.11. MEDICATION-ASSISTED TREATMENT FOR THE  
 18 INCARCERATED PROGRAM FUND--CREATED.--

19 A. The "medication-assisted treatment for the  
 20 incarcerated program fund" is created as a nonreverting fund in  
 21 the state treasury. The fund consists of appropriations,  
 22 gifts, grants and donations. The [~~human services department~~]  
 23 health care authority shall administer the fund, and money in  
 24 the fund is appropriated to the [~~human services department~~]  
 25 health care authority to assist all counties that operate

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1 ~~[correctional]~~ detention facilities to establish and operate  
2 medication-assisted treatment programs for people who are  
3 incarcerated in county ~~[correctional]~~ detention facilities.  
4 Disbursements from the fund shall be made by warrants of the  
5 secretary of finance and administration pursuant to vouchers  
6 signed by the secretary of ~~[human services]~~ health care  
7 authority.

8 B. ~~[No later than December 1, 2023]~~ The ~~[human~~  
9 ~~services department]~~ health care authority shall promulgate  
10 rules for the operation of medication-assisted treatment  
11 programs in correctional facilities in consultation with the  
12 corrections department, county ~~[corrections]~~ detention  
13 administrators and providers who specialize in substance use  
14 disorder treatment and have experience working in corrections  
15 settings.

16 C. Beginning October 1, 2023 and annually  
17 thereafter, the ~~[human services department]~~ health care  
18 authority and the corrections department shall report to the  
19 interim legislative health and human services committee and the  
20 legislative finance committee on the establishment and  
21 operation of medication-assisted treatment programs in  
22 correctional facilities.

23 D. The corrections department shall:

24 (1) expand and continue to operate currently  
25 existing medication-assisted treatment programs for people who

1 are incarcerated in a state correctional facility;

2 (2) ~~[by December 31, 2025]~~ establish and  
3 operate a medication-assisted treatment program to continue all  
4 previously prescribed medication-assisted treatment for  
5 ~~[incarcerated people with a prescription who are]~~ an  
6 incarcerated person who is booked into a state correctional  
7 facility; ~~[and]~~

8 (3) by ~~[the end of fiscal year]~~ June 30, 2026,  
9 offer the induction of medication-assisted treatment to all  
10 people who are incarcerated in state correctional facilities  
11 and in need of medication-assisted treatment;

12 (4) require state correctional facilities to  
13 develop, implement and publish a policy that describes the  
14 provision of medication-assisted treatment;

15 (5) by December 31, 2025, require state  
16 correctional facilities to provide all medications approved by  
17 the federal food and drug administration for the treatment of a  
18 substance use disorder and withdrawal management to ensure that  
19 each program participant receives the medication identified to  
20 be the most effective at treating and meeting individual needs;  
21 and

22 (6) ensure a continuum of behavioral health  
23 care between county detention facilities and the corrections  
24 department, including the continuation of any medication-  
25 assisted treatment medications.

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1           E. Each county detention facility shall track and  
2 report data on medication-assisted treatment utilization to the  
3 health care authority, including the:

4                   (1) number of individuals screened for  
5 medication-assisted treatment;

6                   (2) number of individuals receiving  
7 medication-assisted treatment;

8                   (3) demographic information of a person  
9 receiving medication-assisted treatment;

10                   (4) type of medication; and

11                   (5) status of the medication-assisted  
12 treatment at release, including if a prescription was provided  
13 at release and the person was connected to a community base  
14 care.

15           F. Each county detention facility shall:

16                   (1) establish and operate a medication-  
17 assisted treatment program to continue all previously  
18 prescribed medication-assisted treatment for an incarcerated  
19 person who is booked into a county detention facility;

20                   (2) develop, implement and publish a policy  
21 that describes the provisions of medication-assisted treatment;

22                   (3) provide medication for opioid use disorder  
23 for withdrawal management and ensure treatment is tailored to  
24 the patients needs;

25                   (4) ensure a continuum of behavioral health



1 care between county detention facilities and the corrections  
2 department, including facilitating the continuation of any  
3 medication-assisted treatment medications; and

4 (5) contingent upon the provision of state,  
5 local or federal funds, by the end of fiscal year 2027, offer  
6 medication-assisted treatment to all people who are  
7 incarcerated in county detention facilities and in need of  
8 medication-assisted treatment.

9 G. A correctional facility that is not in  
10 compliance with the health care authority rules for the  
11 operation of medication-assisted treatment programs in a  
12 correctional setting pursuant to Subsection D of this section  
13 shall submit a report to the interim committee that studies  
14 courts, corrections and justice describing the barriers to  
15 offering the services and what resources are necessary to  
16 provide medication-assisted treatment.

17 ~~[E.]~~ H. As used in this section:

18 (1) "correctional facility" means a [~~prison or~~  
19 ~~other detention~~] county detention facility or corrections  
20 department facility, whether operated by a government or  
21 private contractor, that is used for confinement of adult  
22 persons who are charged with or convicted of a violation of a  
23 law or an ordinance; and

24 (2) "medication-assisted treatment" means the  
25 use of federal food and drug administration-approved

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1 prescription drugs for the treatment of substance use  
2 disorder."

3 SECTION 7. Section 24-1D-2 NMSA 1978 (being Laws 1994,  
4 Chapter 63, Section 2, as amended) is amended to read:

5 "24-1D-2. DEFINITIONS.--As used in the Health Service  
6 Corps Act:

7 A. "corps" means the New Mexico health service  
8 corps;

9 B. "department" means the department of health;

10 C. "health professional" means a physician,  
11 physician assistant, nurse practitioner, nurse-midwife,  
12 emergency medical technician-paramedic, dentist, ~~[or]~~ dental  
13 hygienist, licensed clinical social worker or licensed  
14 counselor;

15 D. "physician" means a medical doctor or doctor of  
16 osteopathic medicine;

17 E. "physician assistant" means a physician  
18 assistant or osteopathic physician assistant; and

19 F. "practice site" means a public health clinic  
20 or public or private nonprofit primary care clinic that is  
21 located in a state-designated medically underserved area or  
22 that serves a high-needs population and that uses a sliding  
23 fee scale approved by the department."

24 SECTION 8. Section 24-25-3 NMSA 1978 (being Laws 2004,  
25 Chapter 48, Section 3, as amended) is amended to read:

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1 "24-25-3. DEFINITIONS.--As used in the New Mexico  
2 Telehealth Act:

3 A. "health care provider" means a person licensed  
4 to provide health care to patients in New Mexico, including:

- 5 (1) an optometrist;
- 6 (2) a chiropractic physician;
- 7 (3) a dentist;
- 8 (4) a physician;
- 9 (5) a [~~podiatrist~~] podiatric physician;
- 10 (6) an osteopathic physician;
- 11 (7) a physician assistant;
- 12 (8) a certified nurse practitioner;
- 13 (9) a physical therapist;
- 14 (10) an occupational therapist;
- 15 (11) a speech-language pathologist;
- 16 (12) a doctor of oriental medicine;
- 17 (13) a nutritionist;
- 18 (14) a psychologist;
- 19 (15) a certified nurse-midwife;
- 20 (16) a clinical nurse specialist;
- 21 (17) a registered nurse;
- 22 (18) a dental hygienist;
- 23 (19) a pharmacist;
- 24 (20) a licensed independent social worker;
- 25 (21) a licensed counselor;

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1 (22) a community health representative; or

2 (23) a licensed athletic trainer;

3 B. "originating site" means a place where a  
4 patient may receive health care via telehealth. An  
5 originating site may include:

6 (1) a licensed inpatient center;

7 (2) an ambulatory surgical or treatment  
8 center;

9 (3) a skilled nursing center;

10 (4) a residential treatment center;

11 (5) a home health agency;

12 (6) a diagnostic laboratory or imaging  
13 center;

14 (7) an assisted living center;

15 (8) a school-based health program;

16 (9) a mobile clinic;

17 (10) a mental health clinic;

18 (11) a rehabilitation or other therapeutic  
19 health setting;

20 (12) the patient's residence;

21 (13) a federally qualified health center;

22 [~~or~~]

23 (14) a community health center; [~~and~~]

24 (15) a crisis triage center; or

25 (16) a certified community behavioral health

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1 clinic; and

2 C. "telehealth" means the use of electronic  
3 information, imaging and communication technologies,  
4 including interactive audio, video, data communications as  
5 well as store-and-forward technologies, to provide and  
6 support health care delivery, diagnosis, consultation,  
7 treatment, transfer of medical data and education."

8 SECTION 9. Section 29-3-11 NMSA 1978 (being Laws 2007,  
9 Chapter 37, Section 1, as amended) is amended to read:

10 "29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--  
11 DUTIES OF DEPARTMENT.--

12 A. The department of public safety shall develop,  
13 operate and maintain a uniform crime reporting system and  
14 shall be the central repository for the collection, storage,  
15 retrieval and analysis of crime incident and arrest reports  
16 generated by all law enforcement agencies in this state. The  
17 system shall be operational as of January 1, 2008.

18 B. The department shall:

19 (1) compile statistical data and forward  
20 such data as required to the federal bureau of investigation  
21 or the appropriate United States department of justice agency  
22 in accordance with standards and procedures of the national  
23 system;

24 (2) provide data collected and stored in the  
25 central repository to the New Mexico sentencing commission to

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1 populate a publicly accessible statewide data dashboard  
2 pursuant to Section 9-3-10 NMSA 1978;

3 [~~2~~] (3) provide forms, standards and  
4 procedures and related training to state and local law  
5 enforcement agencies as necessary for the agencies to report  
6 incident and arrest activity for inclusion in the statewide  
7 system;

8 [~~3~~] (4) in conjunction with the New Mexico  
9 sentencing commission, annually publish a report on the  
10 nature and extent of crime in New Mexico and submit the  
11 report to the governor and to the legislature;

12 [~~4~~] (5) maintain the privacy and security  
13 of information in accordance with applicable state and  
14 federal laws;

15 [~~5~~] (6) provide the New Mexico sentencing  
16 commission access to the data collected and maintained by the  
17 department; and

18 [~~6~~] (7) establish rules as necessary to  
19 implement the provisions of this section.

20 C. Every law enforcement agency in the state  
21 shall:

22 (1) submit crime incident reports to the  
23 department of public safety on forms or in the format  
24 prescribed by the department;

25 (2) submit any other crime incident

1 information as may be required by the department of public  
2 safety; and

3 (3) use the unique code assigned to the  
4 crime from the master charge code table distributed by the  
5 New Mexico justice information sharing council for the  
6 automated fingerprint identification system and use uniform  
7 crime incident reporting as provided by the department for  
8 all incidents and arrests.

9 D. The annual report and other statistical data  
10 reports generated by the department shall be made available  
11 to state and local law enforcement agencies, the  
12 administrative office of the courts and the general public."

13 **SECTION 10.** Section 29-7-7 NMSA 1978 (being Laws 1981,  
14 Chapter 114, Section 6, as amended) is amended to read:

15 "29-7-7. DEFINITIONS.--For the purpose of the Law  
16 Enforcement Training Act:

17 A. "academy" means the New Mexico law enforcement  
18 academy;

19 B. "basic law enforcement training" means a  
20 course consisting of not less than four hundred hours of  
21 instruction in basic law enforcement training as required by  
22 the Law Enforcement Training Act;

23 C. "board" means the law enforcement  
24 certification board;

25 D. "conviction" means an adjudication of guilt or

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1 a plea of no contest and includes convictions that are  
2 suspended or deferred;

3 E. "council" means the New Mexico law enforcement  
4 standards and training council;

5 F. "county detention officer" means an employee  
6 of a county detention facility who has inmate custodial  
7 responsibilities;

8 [~~F.~~] G. "director" means the director of the  
9 division;

10 [~~G.~~] H. "division" means the New Mexico law  
11 enforcement academy of the department of public safety;

12 [~~H.~~] I. "in-service law enforcement training"  
13 means a course of instruction required of all certified peace  
14 officers and designed to train and equip all police officers  
15 in the state with specific law enforcement skills and to  
16 ensure the continuing development of all police officers in  
17 the state. The training and instruction shall be kept  
18 current and may be conducted on a regional basis at the  
19 discretion of the director;

20 [~~I.~~] J. "law enforcement agency" means an agency  
21 of the state or local political subdivision of the state that  
22 employs certified law enforcement officers or the police  
23 department of a tribe that has entered into an agreement with  
24 the department of public safety pursuant to Section 29-1-11  
25 NMSA 1978;

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1           ~~[J.]~~ K. "police officer" means any commissioned  
2 employee of a law enforcement agency that is part of or  
3 administered by the state or any political subdivision of the  
4 state, and includes any employee of a missile range civilian  
5 police department who is a graduate of a recognized certified  
6 regional law enforcement training facility and who is  
7 currently certifiable by the academy, which employee is  
8 responsible for the prevention and detection of crime or the  
9 enforcement of the penal, or traffic or highway laws of this  
10 state. The term specifically includes deputy sheriffs.  
11 Sheriffs are eligible to attend the academy and are eligible  
12 to receive certification as provided in the Law Enforcement  
13 Training Act. As used in this subsection, "commissioned"  
14 means an employee of a law enforcement agency who is  
15 authorized by a sheriff or chief of police to apprehend,  
16 arrest and bring before the court all violators within the  
17 law enforcement agency's jurisdiction; and

18           ~~[K.]~~ L. "certified regional law enforcement  
19 training facility" means a law enforcement training facility  
20 within the state certified by the director, with the approval  
21 of the academy's board of directors, that offers basic law  
22 enforcement training and in-service law enforcement training  
23 that is comparable to or exceeds the standards of the  
24 programs of the academy."

25           **SECTION 11.** A new section of the Law Enforcement

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1 Training Act is enacted to read:

2 "[NEW MATERIAL] COUNTY DETENTION OFFICER--TRAINING  
3 REQUIREMENTS.--

4 A. In collaboration with the training academy  
5 division of the corrections department, the director shall  
6 create regional training programs for county detention  
7 officers, subject to review and approval by the jail  
8 administrator.

9 B. A county detention officer is eligible to  
10 attend the academy and receive certification upon successful  
11 completion of the program.

12 C. Per diem, mileage and tuition expenses of a  
13 county detention officer shall be paid for by the detention  
14 and corrections workforce capacity building fund for  
15 attending and completing the training.

16 D. As used in Subsection A of this section, "jail  
17 administrator" means the person hired by a county or  
18 municipality or a combination of these who supervises the  
19 entire operation of the jail and reports directly to the  
20 administrative head of the local governmental entity or local  
21 governing body."

22 SECTION 12. Section 29-7-7.5 NMSA 1978 (being Laws  
23 2011, Chapter 180, Section 1) is amended to read:

24 "29-7-7.5. INTERACTION WITH PERSONS [~~WITH MENTAL~~  
25 ~~IMPAIRMENTS~~] EXPERIENCING A BEHAVIORAL HEALTH CRISIS--

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## 1 TRAINING.--

2 A. A minimum of forty hours of crisis management,  
3 including crisis intervention, confrontation de-escalation  
4 practicum and proper interaction with persons [~~with mental~~  
5 ~~impairments~~] experiencing a behavioral health crisis  
6 training, shall be included in the curriculum of each basic  
7 law enforcement training class.

8 B. A minimum of [~~two~~] four hours of crisis  
9 management, including crisis intervention, confrontation de-  
10 escalation practicum and proper interaction with persons  
11 [~~with mental impairments~~] experiencing a behavioral health  
12 crisis training, shall be included as a component of in-  
13 service law enforcement training pursuant to Section  
14 29-7-7.1 NMSA 1978.

15 C. A pre-recorded course on crisis management,  
16 including crisis intervention, confrontation de-escalation  
17 practicum and proper interaction with persons [~~with mental~~  
18 ~~impairments~~] experiencing a behavioral health crisis  
19 training, shall not satisfy the requirements of the basic law  
20 enforcement training class required pursuant to Subsection A  
21 of this section.

22 D. As used in this section, [~~"mental impairment"~~  
23 ~~includes a~~] "behavioral health crisis" means a significant  
24 disruption of mental or emotional stability or functioning of  
25 a person resulting in an urgent need for immediate assessment

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1 and treatment to prevent a serious deterioration in the  
2 mental or physical health of the person and may include a  
3 mental [~~illness~~] health disorder, a developmental disability,  
4 posttraumatic stress disorder, dual diagnosis, autism  
5 spectrum disorder, substance use disorder, youth in crisis,  
6 [~~and~~] a traumatic brain injury or a co-occurring disorder."

7 SECTION 13. Section 31-1-2 NMSA 1978 (being Laws 1972,  
8 Chapter 71, Section 5, as amended) is amended to read:

9 "31-1-2. DEFINITIONS.--Unless a specific meaning is  
10 given, as used in the Criminal Procedure Act:

11 A. "accused" means any person charged with the  
12 violation of any law of this state imposing a criminal  
13 penalty;

14 B. "bail bond" is a contract between surety and  
15 the state to the effect that the accused and the surety will  
16 appear in court when required and will comply with all  
17 conditions of the bond;

18 C. "defendant" means any person accused of a  
19 violation of any law of this state imposing a criminal  
20 penalty;

21 D. "felony" means any crime so designated by law  
22 or if upon conviction thereof a sentence of death or of  
23 imprisonment for a term of one year or more is authorized;

24 E. "person", unless a contrary intention appears,  
25 means any individual, estate, trust, receiver, cooperative

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1 association, club, corporation, company, firm, partnership,  
2 joint venture, syndicate or other entity;

3 F. "police officer", "law enforcement officer",  
4 "peace officer" or "officer" means any full-time salaried or  
5 certified part-time salaried officer who by virtue of office  
6 or public employment is vested by law with the duty to  
7 maintain the public peace;

8 G. "recognizance" means any obligation of record  
9 entered into before a court requiring the accused to appear  
10 at all appropriate times or forfeit any bail and be subject  
11 to criminal penalty for failure to appear;

12 H. "release on personal recognizance" or "release  
13 on own recognizance" means the release of a defendant without  
14 bail, bail bond or sureties upon the defendant's promise to  
15 appear at all appropriate times;

16 I. "rules of civil procedure" means rules of  
17 civil procedure for the district courts of the state of New  
18 Mexico, as may be amended from time to time;

19 J. "rules of criminal procedure" means rules of  
20 criminal procedure for the district courts, magistrate courts  
21 and municipal courts adopted by the New Mexico supreme court,  
22 as may be amended from time to time;

23 K. "misdemeanor" means any offense for which the  
24 authorized penalty upon conviction is imprisonment in excess  
25 of six months but less than one year; [~~and~~]

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1           L. "petty misdemeanor" means any offense so  
2 designated by law or if upon conviction a sentence of  
3 imprisonment for six months or less is authorized;

4           M. "mental illness" means a clinically  
5 significant disorder of thought, mood, perception,  
6 orientation, memory or behavior that limits the capacity of a  
7 person to function in the primary aspects of daily living,  
8 including personal relations, living arrangements, employment  
9 and recreation. "Mental illness" does not include other  
10 mental health disorders that result in diminished capacity,  
11 including epilepsy, intellectual disability, dementia,  
12 delirium, brief periods of intoxication caused by alcohol or  
13 other substances or dependence upon or addiction to alcohol  
14 or other substances;

15           N. "substance use disorder" means a spectrum of  
16 persistent and recurring problematic behaviors that  
17 encompasses various classes of drugs, alcohol and other  
18 unknown substances leading to clinically significant disorder  
19 or distress; and

20           O. "treatment" means the broad range of  
21 emergency, outpatient and residential care that may be  
22 extended to a person with a substance use disorder, mental  
23 illness or co-occurring disorders."

24           SECTION 14. A new section of the Criminal Procedure Act  
25 is enacted to read:

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1           "[NEW MATERIAL] LAW ENFORCEMENT DEFLECTION PROGRAM--  
2 AUTHORITY AND PROGRAM REQUIREMENTS.--

3           A. Any law enforcement agency, first responder  
4 entity or local government may establish a law enforcement  
5 deflection program pursuant to the provisions of this  
6 section, in partnership with one or more licensed providers  
7 of behavioral health services or substance use disorder  
8 treatment services. The law enforcement deflection program  
9 shall be funded by state and federal grants awarded to  
10 counties and federally recognized tribal governments.

11           B. A partnership shall include at a minimum a law  
12 enforcement agency, a community-based treatment program and a  
13 behavioral health agency licensed by the state of New Mexico.  
14 Partners may also included a treatment provider, district  
15 attorney, tribal government, peer support organization, court  
16 or local government body.

17           C. Each law enforcement deflection program  
18 established pursuant to this section shall include:

19                   (1) participant identification, screening or  
20 assessment;

21                   (2) case management and treatment  
22 facilitation;

23                   (3) participant follow-up; and

24                   (4) training for law enforcement, peace  
25 officers, first responders and treatment providers.

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1           D. Each law enforcement deflection program shall  
2 track and report known data, including:

- 3                   (1) the number of program participants;  
4                   (2) demographic information on participants;  
5                   (3) the number of law enforcement encounters  
6 that result in a treatment referral;  
7                   (4) law enforcement encounters that result  
8 in a treatment referral;  
9                   (5) the rate of treatment engagement within  
10 thirty days of initial contact;  
11                   (6) the duration of treatment involvement;  
12 and  
13                   (7) the number of subsequent law enforcement  
14 encounters for individuals referred to treatment.

15           E. As used in this section, "law enforcement  
16 deflection program" means a collaborative program between law  
17 enforcement agencies and behavioral health entities that  
18 assists individuals who may have a mental illness, substance  
19 use disorder, another behavioral health disorder or co-  
20 occurring disorders to create community-based pathways to  
21 treatment, recovery support services, housing, case  
22 management or other services in lieu of arrest."

23           SECTION 15. Section 31-16A-4 NMSA 1978 (being Laws  
24 1981, Chapter 33, Section 4, as amended) is amended to read:

25           "31-16A-4. ELIGIBILITY.--

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1           A. A defendant shall meet the following minimum  
2 criteria to be eligible for a preprosecution diversion  
3 program:

4                   ~~[(1) the defendant shall have no prior~~  
5 ~~felony convictions for a violent crime;~~

6                   (2)] (1) the defendant is willing to  
7 participate in the program and submit to all program  
8 requirements; and

9                   ~~[(3)]~~ (2) any additional criteria set by the  
10 district attorney.

11           B. The district attorney shall consider the  
12 following factors to determine eligibility for a  
13 preprosecution diversion program:

14                   (1) whether the state of New Mexico has or  
15 is likely to have sufficient evidence to achieve conviction;

16                   (2) the nature of the offense;

17                   (3) whether the accused will benefit from a  
18 preprosecution diversion program;

19                   (4) whether available programs are  
20 appropriate to the needs of the defendant;

21                   (5) whether the services for the defendant  
22 are more readily available from the community;

23                   (6) whether the defendant constitutes a  
24 substantial danger to others; and

25                   (7) mitigating or aggravating circumstances.

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1           ~~[B-]~~ C. A person who meets all of the criteria  
2 pursuant to Subsection A of this section may be entered into  
3 the preprosecution diversion program; provided that the  
4 district attorney may elect not to divert a person to the  
5 preprosecution diversion program even though that person  
6 meets the minimum criteria set forth in this section.

7           ~~[G-]~~ D. A decision by the district attorney not  
8 to divert a person to the preprosecution diversion program is  
9 not subject to appeal and shall not be raised as a defense to  
10 any prosecution or habitual offender proceeding."

11           **SECTION 16.** A new section of Chapter 31, Article 20  
12 NMSA 1978 is enacted to read:

13           "[NEW MATERIAL] TREATMENT COURT DIVERSION.--

14           A. Each district court may establish a treatment  
15 court program, including a drug court, mental health court or  
16 other treatment-based court diversion program, in accordance  
17 with the administrative office of the courts and the  
18 provisions of this section. Each district court operating a  
19 treatment court program shall establish its own eligibility  
20 criteria and guidelines for the program.

21           B. Participation in the treatment court program  
22 may occur at the request of the district attorney or  
23 presiding judge any time prior to adjudication or following  
24 adjudication by suspended or deferred sentence by either:

25           (1) entering an order deferring the

1 imposition of sentence;

2 (2) sentencing the defendant and enter an  
3 order suspending in whole or in part the execution of the  
4 sentence; or

5 (3) committing the convicted person, if  
6 convicted of a felony and not committed for diagnostic  
7 purposes within the twelve-month period immediately preceding  
8 that conviction, to the corrections department for an  
9 indeterminate period not to exceed sixty days for purposes of  
10 diagnosis, with direction that the court be given a report  
11 when the diagnosis is complete as to what disposition appears  
12 best when the interests of the public and the individual are  
13 evaluated.

14 C. If participation in the treatment court  
15 program occurs prior to adjudication and the defendant abides  
16 by the conditions of the program:

17 (1) the court shall dismiss the case; or

18 (2) the defendant may be terminated from the  
19 program. If the defendant is terminated, the participant  
20 shall have the case placed on the calendar in the judicial  
21 district from which the case originated.

22 D. The statute of limitations shall be tolled the  
23 entire period the defendant was participating in the program.

24 E. If participation in the treatment court  
25 program occurs following adjudication pursuant to Section

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1 31-20-3 NMSA 1978, and the participant abides by all the  
2 conditions of the program, the court may:

- 3 (1) dismiss the case and seal the file;  
4 (2) reduce the conviction to a lesser and  
5 included charge; or  
6 (3) terminate probation pursuant to Section  
7 31-20-8 NMSA 1978.

8 F. If participation in the treatment court  
9 program occurs following adjudication pursuant to Section  
10 31-20-3 NMSA 1978 and the participant fails to abide by the  
11 program conditions, the participant shall be subject to a  
12 violation of probation as provided in Section 31-21-14 or  
13 31-21-15 NMSA 1978 and shall reappear before the  
14 participant's original sentencing judge."

15 **SECTION 17.** Section 31-20-5 NMSA 1978 (being Laws 1963,  
16 Chapter 303, Section 29-17, as amended) is amended to read:

17 "31-20-5. PLACING DEFENDANT ON PROBATION.--

18 A. When a person has been convicted of a crime  
19 for which a sentence of imprisonment is authorized and when  
20 the magistrate, metropolitan or district court has deferred  
21 or suspended sentence, it shall order the defendant to be  
22 placed on probation for all or some portion of the period of  
23 deferment or suspension if the defendant is in need of  
24 supervision, guidance or direction that is feasible for the  
25 corrections department to furnish. Except for sex offenders

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1 as provided in Section 31-20-5.2 NMSA 1978, the total period  
2 of probation for district court shall not exceed five years  
3 and the total period of probation for the magistrate or  
4 metropolitan courts shall be no longer than the maximum  
5 allowable incarceration time for the offense or as otherwise  
6 provided by law.

7 B. The magistrate, metropolitan or district court  
8 may impose any special conditions necessary to the successful  
9 rehabilitation of the defendant on supervision pursuant to  
10 the results of a validated risk and needs assessment  
11 administered and scored by a person trained in the tool that  
12 the corrections department uses to establish level of  
13 supervision and individual case plans. After administering  
14 the validated risk and needs assessment, the probation  
15 officer responsible for the supervision of the defendant  
16 shall notify the magistrate, metropolitan or district court  
17 of a necessary special condition responding to the  
18 assessment. The magistrate, metropolitan or district court  
19 shall modify the conditions of supervision and impose the  
20 necessary special conditions pursuant to this section.

21 C. The validated risk and needs assessment  
22 required under this section shall undergo periodic validation  
23 studies in accordance with the time line established by the  
24 developer of the tool. The corrections department shall  
25 establish quality assurance procedures to ensure proper and

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1 consistent scoring of the validated risk and needs assessment  
2 as well as training for a person administering the tool.

3 ~~[B-]~~ D. If a defendant is required to serve a  
4 period of probation subsequent to a period of incarceration:

5 (1) the period of probation shall be served  
6 subsequent to any required period of parole, with the time  
7 served on parole credited as time served on the period of  
8 probation and the conditions of probation imposed by the  
9 court deemed as additional conditions of parole; and

10 (2) in the event that the defendant violates  
11 any condition of that parole, the parole board shall cause  
12 ~~[him]~~ the defendant to be brought before it pursuant to the  
13 provisions of Section 31-21-14 NMSA 1978 and may make any  
14 disposition authorized pursuant to that section and, if  
15 parole is revoked, the period of parole served in the custody  
16 of a correctional facility shall not be credited as time  
17 served on probation.

18 E. As used in this section, "validated risk and  
19 needs assessment" means an actuarial tool scientifically  
20 proven to determine a person's risk to reoffend and criminal  
21 risk factors that, when properly addressed, can reduce that  
22 person's likelihood of committing future criminal behavior."

23 SECTION 18. Section 31-20-6 NMSA 1978 (being Laws 1963,  
24 Chapter 303, Section 29-18, as amended) is amended to read:

25 "31-20-6. CONDITIONS OF ORDER DEFERRING OR SUSPENDING

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1 SENTENCE.--The magistrate, metropolitan or district court  
2 shall attach to its order deferring or suspending sentence  
3 reasonable conditions as it may deem necessary to ensure that  
4 the defendant will observe the laws of the United States and  
5 the various states and the ordinances of any municipality.  
6 The defendant upon conviction shall be required to reimburse  
7 a law enforcement agency or local crime stopper program for  
8 the amount of any reward paid by the agency or program for  
9 information leading to the defendant's arrest, prosecution or  
10 conviction, but in no event shall reimbursement to the crime  
11 stopper program preempt restitution to victims pursuant to  
12 the provisions of Section 31-17-1 NMSA 1978. The defendant  
13 upon conviction shall be required to pay the actual costs of  
14 the defendant's supervised probation service to the adult  
15 probation and parole division of the corrections department  
16 or appropriate responsible agency for deposit to the  
17 corrections department intensive supervision fund not  
18 exceeding one thousand eight hundred dollars (\$1,800)  
19 annually to be paid in monthly installments of not less than  
20 twenty-five dollars (\$25.00) and not more than one hundred  
21 fifty dollars (\$150), as set by the appropriate district  
22 supervisor of the adult probation and parole division, based  
23 upon the financial circumstances of the defendant. The  
24 defendant's payment of the supervised probation costs shall  
25 not be waived unless the court holds an evidentiary hearing

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1 and finds that the defendant is unable to pay the costs. If  
2 the court waives the defendant's payment of the supervised  
3 probation costs and the defendant's financial circumstances  
4 subsequently change so that the defendant is able to pay the  
5 costs, the appropriate district supervisor of the adult  
6 probation and parole division shall advise the court and the  
7 court shall hold an evidentiary hearing to determine whether  
8 the waiver should be rescinded. The court may also require  
9 the defendant to:

10 A. provide for the support of persons for whose  
11 support the defendant is legally responsible;

12 B. undergo available medical or psychiatric  
13 treatment and enter and remain in a specified institution  
14 when required for that purpose;

15 C. be placed on probation under the supervision,  
16 guidance or direction of the adult probation and parole  
17 division for a term not to exceed five years;

18 D. serve a period of time in volunteer labor to  
19 be known as "community service". The type of labor and  
20 period of service shall be at the sole discretion of the  
21 court; provided that a person receiving community service  
22 shall be immune from any civil liability other than [~~gross~~]  
23 negligence arising out of the community service, and a person  
24 who performs community service pursuant to court order or a  
25 criminal diversion program shall not be entitled to wages,

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1 shall not be considered an employee and shall not be entitled  
 2 to workers' compensation, unemployment benefits or any other  
 3 benefits otherwise provided by law. As used in this  
 4 subsection, "community service" means labor that benefits the  
 5 public at large or a public, charitable or educational entity  
 6 or institution;

7 E. make a contribution of not less than ten  
 8 dollars (\$10.00) and not more than one hundred dollars  
 9 (\$100), to be paid in monthly installments of not less than  
 10 five dollars (\$5.00), to a local crime stopper program, a  
 11 local domestic violence prevention or treatment program or a  
 12 local drug abuse resistance education program that operates  
 13 in the territorial jurisdiction of the court; [~~and~~]

14 F. participate and complete to the satisfaction  
 15 of the court an alternative program, treatment or activity  
 16 deemed appropriate by the court, including a treatment court  
 17 program; and

18 [~~F.~~] G. satisfy any other conditions reasonably  
 19 related to the defendant's rehabilitation."

20 SECTION 19. Section 31-21-9 NMSA 1978 (being Laws 1972,  
 21 Chapter 71, Section 17) is amended to read:

22 "31-21-9. PRESENTENCE AND PRERELEASE INVESTIGATIONS.--

23 A. Upon the order of any district, metropolitan  
 24 or magistrate court, the director shall prepare a presentence  
 25 report [~~which~~] that shall include such information as the

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1 court may request.

2 B. Upon the order of any district court, the  
3 director shall prepare a prerelease report [~~which~~] that the  
4 court shall use to determine the accused's qualifications for  
5 bail. The report shall include available information about  
6 the accused's family ties, employment, financial resources,  
7 character, physical and mental condition, the length of [~~his~~]  
8 residence in the community, [~~his~~] record of convictions,  
9 [~~his~~] record of appearance at court proceedings or of flight  
10 to avoid prosecution or failure to appear at court  
11 proceedings and any history of drug or alcohol abuse.

12 C. All local and state law enforcement agencies  
13 shall furnish to the director any requested criminal records.

14 D. Upon the order of a district, metropolitan or  
15 magistrate court, the director shall prepare a presentence or  
16 prerelease report containing the results of an evaluation or  
17 assessment conducted pursuant to Sections 31-21-3 through  
18 31-21-19 and 31-21-21 NMSA 1978 or a validated risk and needs  
19 assessment used to make decisions regarding treatment,  
20 program eligibility, facility placement or level of  
21 supervision.

22 E. As used in this section, "validated risk and  
23 needs assessment" means an actuarial tool scientifically  
24 proven to determine a person's risk to reoffend and criminal  
25 risk factors that, when properly addressed, can reduce that

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1 person's likelihood of committing future criminal behavior."

2 SECTION 20. Section 31-21-21 NMSA 1978 (being Laws  
3 1963, Chapter 301, Section 17) is amended to read:

4 "31-21-21. CONDITIONS OF PROBATION--DUAL SUPERVISION.--

5 A. If a person has a term of probation following  
6 the release from prison, the board, in consultation with the  
7 director, shall adopt general [regulations] rules concerning  
8 the conditions of probation [which] that apply in the absence  
9 of specific conditions imposed by the court. All  
10 probationers are subject to supervision of the board unless  
11 otherwise specifically ordered by the court in the particular  
12 case. Nothing in the Probation and Parole Act limits the  
13 authority of the court to impose or modify any general or  
14 specific condition of probation. The board may recommend and  
15 by order the court may impose and modify any conditions of  
16 probation. The court shall transmit to the board and to the  
17 probationer a copy of any order.

18 B. The board, in consultation with the director,  
19 may impose a special condition necessary to the successful  
20 rehabilitation of the person and may follow the validated  
21 risk and needs assessment procedure.

22 C. As used in this section, "validated risk and  
23 needs assessment" means an actuarial tool scientifically  
24 proven to determine a person's risk to reoffend and criminal  
25 risk factors that, when properly addressed, can reduce that

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1 person's likelihood of committing future criminal behavior."

2 SECTION 21. Section 31-30-4 NMSA 1978 (being Laws 2022,  
3 Chapter 56, Section 41) is amended to read:

4 "31-30-4. VIOLENCE INTERVENTION PROGRAM

5 REQUIREMENTS.--A violence intervention program shall:

6 A. use an evidence- or research-based public  
7 health approach to reduce gun violence and aggravated  
8 assaults;

9 B. use focused deterrence, problem-oriented  
10 policing and proven law enforcement strategies to reduce gun  
11 violence and aggravated assaults;

12 C. target a population that is at high risk for  
13 victimization or retaliation that results from gun violence  
14 or aggravated assault through engaging in the cycles of  
15 violence in the community;

16 D. use data-driven methods for program  
17 development; ~~and~~

18 E. use program funding in a manner that is  
19 directly related to the reduction of gun violence and  
20 aggravated assaults;

21 F. use crime mapping to utilize crime data to  
22 interrupt and deter violence by identifying and targeting a  
23 person, group and locations where violence is concentrated;

24 G. partner with the crime victims reparation  
25 commission to identify opportunities to better support

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1 victims of violence and ensure the privacy of victims and  
 2 survivors; and

3 H. comply with all reporting requirements  
 4 pursuant to Section 29-3-11 NMSA 1978 and Paragraph (15) of  
 5 Subsection D of Section 9-3-10 NMSA 1978."

6 SECTION 22. Section 31-30-9 NMSA 1978 (being Laws 2022,  
 7 Chapter 56, Section 46) is amended to read:

8 "31-30-9. REPORTS.--

9 A. Each grantee shall report to the department  
 10 and the commission by November 1 of each year regarding the:

11 (1) purpose and amount of each grant  
 12 received by the grantee for the previous fiscal year; and

13 (2) processes, outputs and outcomes  
 14 resulting from each grant approved by the department for the  
 15 previous fiscal year, including relevant data as required by  
 16 department rules.

17 B. Each year through [~~2027~~] 2030, the department  
 18 and the commission shall report to the legislature by  
 19 December 1 regarding the awards and outcomes of each  
 20 grantee."

21 SECTION 23. Section 34-13-2 NMSA 1978 (being Laws 1993,  
 22 Chapter 273, Section 2, as amended) is amended to read:

23 "34-13-2. COURT EDUCATION SERVICES DIVISION--PURPOSE.--  
 24 The court education services division of the administrative  
 25 office of the courts shall provide judicial education,

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1 training and instruction for the justices, judges,  
2 magistrates and court personnel of the state, municipalities  
3 and counties and may provide such education for tribal  
4 judges. The training shall include continuing education on  
5 substance use disorders, mental health conditions and co-  
6 occurring disorders upon assuming office or employment and  
7 quadrennially thereafter."

8 SECTION 24. Section 43-1-3 NMSA 1978 (being Laws 1977,  
9 Chapter 279, Section 2, as amended) is amended to read:

10 "43-1-3. DEFINITIONS.--As used in the Mental Health and  
11 Developmental Disabilities Code:

12 A. "aversive stimuli" means anything that,  
13 because it is believed to be unreasonably unpleasant,  
14 uncomfortable or distasteful to the client, is administered  
15 or done to the client for the purpose of reducing the  
16 frequency of a behavior, but does not include verbal  
17 therapies, physical restrictions to prevent imminent harm to  
18 self or others or psychotropic medications that are not used  
19 for purposes of punishment;

20 B. "client" means a patient who is requesting or  
21 receiving mental health services or any person requesting or  
22 receiving developmental disabilities services or who is  
23 present in a mental health or developmental disabilities  
24 facility for the purpose of receiving such services or who  
25 has been placed in a mental health or developmental

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1 disabilities facility by the person's parent or guardian or  
2 by any court order;

3 C. "code" means the Mental Health and  
4 Developmental Disabilities Code;

5 D. "consistent with the least drastic means  
6 principle" means that the habilitation or treatment and the  
7 conditions of habilitation or treatment for the client,  
8 separately and in combination:

9 (1) are no more harsh, hazardous or  
10 intrusive than necessary to achieve acceptable treatment  
11 objectives for the client;

12 (2) involve no restrictions on physical  
13 movement and no requirement for residential care except as  
14 reasonably necessary for the administration of treatment or  
15 for the protection of the client or others from physical  
16 injury; and

17 (3) are conducted at the suitable available  
18 facility close to the client's place of residence;

19 E. "convulsive treatment" means any form of  
20 mental health treatment that depends upon creation of a  
21 convulsion by any means, including electroconvulsive  
22 treatment and insulin coma treatment;

23 F. "court" means a district court of New Mexico;

24 G. "crisis triage center" means a health facility  
25 that:

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1                   (1) is licensed by the health care  
2 authority; and

3                   (2) provides stabilization of behavioral  
4 health crises and may include residential and nonresidential  
5 stabilization;

6                   H. "department" or "division" means the  
7 behavioral health services division of the health care  
8 authority;

9                   I. "developmental or intellectual disability"  
10 means a severe chronic disability attributable to  
11 significantly subaverage general intellectual functioning  
12 existing concurrently with deficits in adaptive behavior,  
13 cerebral palsy, autism or neurological dysfunction that  
14 requires similar treatment or habilitation;

15                   J. "evaluation facility" means a community mental  
16 health or developmental disability program, a crisis triage  
17 center or a medical facility that has psychiatric or  
18 developmental or intellectual disability services available,  
19 including the New Mexico behavioral health institute at Las  
20 Vegas, or, if none of those is reasonably available or  
21 appropriate, the office of a physician or a certified  
22 psychologist that is capable of performing a mental status  
23 examination adequate to determine the need for involuntary  
24 treatment;

25                   K. "experimental treatment" means any mental



1 health or developmental disabilities treatment that presents  
2 significant risk of physical harm, but does not include  
3 accepted treatment used in competent practice of medicine and  
4 psychology and supported by scientifically acceptable  
5 studies;

6 L. "grave passive neglect" means failure to  
7 provide for basic personal or medical needs or for one's own  
8 safety to such an extent that it is more likely than not that  
9 serious bodily harm will result in the near future;

10 M. "habilitation" means the process by which  
11 professional persons and their staff assist a client with a  
12 developmental or an intellectual disability in acquiring and  
13 maintaining those skills and behaviors that enable the person  
14 to cope more effectively with the demands of the person's  
15 self and environment and to raise the level of the person's  
16 physical, mental and social efficiency. "Habilitation"  
17 includes but is not limited to programs of formal, structured  
18 education and treatment;

19 N. "likelihood of serious harm to oneself" means  
20 that it is more likely than not that in the near future the  
21 person will attempt to commit suicide or will cause serious  
22 bodily harm to the person's self by violent or other self-  
23 destructive means, including grave passive neglect;

24 O. "likelihood of serious harm to others" means  
25 that it is more likely than not that in the near future a

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1 person will inflict serious, unjustified bodily harm on  
2 another person or commit a criminal sexual offense, as  
3 evidenced by behavior causing, attempting or threatening such  
4 harm, which behavior gives rise to a reasonable fear of such  
5 harm from the person;

6 P. "mental health disorder" means substantial  
7 disorder of a person's emotional processes, thought or  
8 cognition that grossly impairs judgment, behavior or capacity  
9 to recognize reality, but does not mean developmental or  
10 intellectual disability;

11 Q. "mental health or developmental or  
12 intellectual disabilities professional" means a physician or  
13 other professional who by training or experience is qualified  
14 to work with persons with a mental health disorder or a  
15 developmental or intellectual disability;

16 R. "physician" or "certified psychologist", when  
17 used for the purpose of hospital admittance or discharge,  
18 means a physician or certified psychologist who has been  
19 granted admitting privileges at a hospital licensed by the  
20 health care authority, if such privileges are required;

21 S. "protected health information" means  
22 individually identifiable health information transmitted by  
23 or maintained in an electronic form or any other form or  
24 media that relates to the:

- 25 (1) past, present or future physical or

1 mental health or condition of a person;

2 (2) provision of health care to a person; or

3 (3) payment for the provision of health care  
4 to a person;

5 T. "psychosurgery":

6 (1) means those operations currently  
7 referred to as lobotomy, psychiatric surgery and behavioral  
8 surgery and all other forms of brain surgery if the surgery  
9 is performed for the purpose of the following:

10 (a) modification or control of  
11 thoughts, feelings, actions or behavior rather than the  
12 treatment of a known and diagnosed physical disease of the  
13 brain;

14 (b) treatment of abnormal brain  
15 function or normal brain tissue in order to control thoughts,  
16 feelings, actions or behavior; or

17 (c) treatment of abnormal brain  
18 function or abnormal brain tissue in order to modify  
19 thoughts, feelings, actions or behavior when the abnormality  
20 is not an established cause for those thoughts, feelings,  
21 actions or behavior; and

22 (2) does not include prefrontal sonic  
23 treatment in which there is no destruction of brain tissue;

24 U. "qualified mental health professional licensed  
25 for independent practice" means an independent social worker,

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underscored material = new  
[bracketed material] = delete

1 a licensed professional clinical mental health counselor, a  
2 marriage and family therapist, a certified nurse  
3 practitioner, a clinical nurse specialist with a specialty in  
4 mental health or a licensed art therapist, all of whom by  
5 training and experience are qualified to work with persons  
6 with a mental disorder;

7 V. "residential treatment or habilitation  
8 program" means diagnosis, evaluation, care, treatment or  
9 habilitation rendered inside or on the premises of a mental  
10 health or developmental disabilities facility, hospital,  
11 clinic, institution or supervisory residence or nursing home  
12 when the client resides on the premises; and

13 W. "treatment" means any effort to accomplish a  
14 significant change in the mental or emotional condition or  
15 behavior of the client."

16 SECTION 25. Section 43-1-10 NMSA 1978 (being Laws 1977,  
17 Chapter 279, Section 9, as amended) is amended to read:

18 "43-1-10. EMERGENCY MENTAL HEALTH EVALUATION AND  
19 CARE AND INTERACTIONS WITH PERSONS EXPERIENCING A BEHAVIORAL  
20 HEALTH CRISIS.--

21 A. A peace officer may detain and transport a  
22 person for emergency mental health evaluation and care in the  
23 absence of a legally valid order from the court only if:

24 (1) the person is otherwise subject to  
25 lawful arrest;

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1 (2) the peace officer has reasonable grounds  
2 to believe the person has just attempted suicide;

3 (3) the peace officer, based upon the peace  
4 officer's own observation and investigation, has reasonable  
5 grounds to believe that the person [~~as a result of a mental~~  
6 ~~disorder~~] is experiencing a behavioral health crisis and  
7 presents a likelihood of serious harm to [~~himself or herself~~]  
8 that person's self or to others and that immediate detention  
9 is necessary to prevent such harm. Immediately upon arrival  
10 at the evaluation facility, the peace officer shall be  
11 interviewed by the admitting physician or the admitting  
12 physician's designee; or

13 (4) a physician, a psychologist or a  
14 qualified mental health professional licensed for independent  
15 practice who is affiliated with a community mental health  
16 center or core service agency has certified that the person,  
17 as a result of a mental health disorder, presents a  
18 likelihood of serious harm to [~~himself or herself~~] that  
19 person's self or to others and that immediate detention is  
20 necessary to prevent such harm. Such certification shall  
21 constitute authority to transport the person.

22 B. An emergency evaluation under this section  
23 shall be accomplished upon the request of a peace officer or  
24 jail or detention facility administrator or that person's  
25 designee or upon the certification of a physician, a

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1 psychologist or a qualified mental health professional  
2 licensed for independent practice who is affiliated with a  
3 community mental health center or core service agency. A  
4 court order is not required under this section. If an  
5 application is made to a court, the court's power to act in  
6 furtherance of an emergency admission shall be limited to  
7 ordering that:

8 (1) the client be seen by a certified  
9 psychologist or psychiatrist prior to transport to an  
10 evaluation facility; and

11 (2) a peace officer transport the person to  
12 an evaluation facility.

13 C. An evaluation facility may accept for an  
14 emergency-based admission any person when a physician or  
15 certified psychologist certifies that such person, as a  
16 result of a mental health disorder, presents a likelihood of  
17 serious harm to [~~himself or herself~~] that person's self or to  
18 others and that immediate detention is necessary to prevent  
19 such harm. Such certification shall constitute authority to  
20 transport the person.

21 D. A person detained under this section shall,  
22 whenever possible, be taken immediately to an evaluation  
23 facility. Detention facilities shall be used as temporary  
24 shelter for such persons only in cases of extreme emergency  
25 for protective custody, and no person taken into custody

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1 under the provisions of the code shall remain in a detention  
2 facility longer than necessary and in no case longer than  
3 twenty-four hours. If use of a detention facility is  
4 necessary, the proposed client:

5 (1) shall not be held in a cell with  
6 prisoners;

7 (2) shall not be identified on records used  
8 to record custody of prisoners;

9 (3) shall be provided adequate protection  
10 from possible suicide attempts; and

11 (4) shall be treated with the respect and  
12 dignity due every citizen who is neither accused nor  
13 convicted of a crime.

14 E. The admitting physician or certified  
15 psychologist shall evaluate whether reasonable grounds exist  
16 to detain the proposed client for evaluation and treatment,  
17 and, if reasonable grounds are found, the proposed client  
18 shall be detained. If the admitting physician or certified  
19 psychologist determines that reasonable grounds do not exist  
20 to detain the proposed client for evaluation and treatment,  
21 the proposed client shall not be detained.

22 F. Upon arrival at an evaluation facility, the  
23 proposed client shall be informed orally and in writing by  
24 the evaluation facility of the purpose and possible  
25 consequences of the proceedings, the right to a hearing

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1 within seven days, the right to counsel and the right to  
2 communicate with an attorney and a mental health professional  
3 of the proposed client's own choosing and shall have the  
4 right to receive necessary and appropriate treatment.

5 G. A peace officer who transports a proposed  
6 client to an evaluation facility under the provisions of this  
7 section shall not require a court order to be reimbursed by  
8 the referring county.

9 H. If a peace officer or mental health  
10 professional has probable cause to believe that a person is  
11 experiencing a behavioral health crisis and the person  
12 voluntarily consents to treatment, the peace officer may  
13 resolve the intervention by directly transferring the person  
14 to:

15 (1) a state-licensed community treatment  
16 provider, a hospital, a certified community behavioral  
17 clinic, a crisis triage center, an approved treatment  
18 facility offering detoxification services for chemical  
19 dependency emergencies, an emergency department or other  
20 approved treatment provider that specializes in behavioral  
21 health responses; or

22 (2) a public or private community service  
23 that the person is willing to accept.

24 I. Each law enforcement agency in the state shall  
25 establish a policy and procedure for interacting with a



1 person experiencing a behavioral health crisis, including  
2 policies and procedures regarding the transfer of a person  
3 experiencing a behavioral health crisis to a hospital, clinic  
4 or community treatment provider and subsequent steps for  
5 wraparound care.

6 J. The department of public safety, in  
7 collaboration with the New Mexico law enforcement academy,  
8 shall establish guidelines and a training program to assist  
9 law enforcement agencies in implementing policies and  
10 procedures into the training program pursuant to Section  
11 29-7-7.5 NMSA 1978.

12 K. As used in this section, "behavioral health  
13 crisis" means a significant disruption of mental or emotional  
14 stability or functioning of a person resulting in an urgent  
15 need for immediate assessment and treatment to prevent a  
16 serious deterioration in the mental or physical health of the  
17 person."

18 **SECTION 26. [NEW MATERIAL] CLINICAL SUPERVISION FUND.--**

19 The "clinical supervision fund" is created as a nonreverting  
20 fund in the state treasury. The fund consists of  
21 appropriations, gifts, grants and donations. The health care  
22 authority shall administer the fund. Money in the fund is  
23 subject to appropriation by the legislature to subsidize the  
24 cost of clinical supervision provided by behavioral health  
25 providers. To be eligible for clinical supervision

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1 reimbursement, a behavioral health provider must be fully  
2 licensed and in good standing, include medicaid as an  
3 accepted insurer and accept justice-involved clients.  
4 Disbursements from the fund shall be made by warrant of the  
5 secretary of finance and administration pursuant to vouchers  
6 signed by the secretary of health care authority or the  
7 superintendent's authorized representative."

8 SECTION 27. TEMPORARY PROVISION--CREATION OF A  
9 STATEWIDE SYSTEM OF COMMUNITY-BASED TREATMENT.--

10 A. As used in this section:

11 (1) "administration" means the behavioral  
12 health services division of the health care authority  
13 operating under the health care authority;

14 (2) "behavioral health crisis" means a  
15 significant disruption of mental or emotional stability or  
16 functioning of a person resulting in an urgent need for  
17 immediate assessment and treatment to prevent a serious  
18 deterioration in the mental or physical health of the person;

19 (3) "community-based crisis treatment  
20 system" means a statewide system of community-based treatment  
21 programs for persons experiencing a behavioral health crisis  
22 that provides services as alternatives to  
23 institutionalization and in the least restrictive setting;  
24 and

25 (4) "director" means the director of the

1 administration.

2 B. The director shall establish a statewide plan  
3 for a community-based crisis treatment system. The plan  
4 shall provide a wide range of programs and services as  
5 alternatives to inpatient residential care.

6 C. The statewide plan shall include the following  
7 elements:

8 (1) a description of the current programs  
9 and service delivery mechanisms in each county that provides  
10 services to individuals in crisis;

11 (2) identification of areas within the state  
12 where multiple jurisdictions could share resources using  
13 intergovernmental contracts;

14 (3) tools for local officials to help  
15 implement mobile crisis teams and virtual crisis care  
16 services to meet the needs of their population, including:

17 (a) guidelines for sharing funding and  
18 resources using intergovernmental contracts; and

19 (b) assessment of existing barriers  
20 for rural counties;

21 (4) goals, objectives and priorities for the  
22 delivery of crisis services across the state and methods to  
23 evaluate their effectiveness;

24 (5) cooperative agreements with counties to  
25 develop and maintain a coordinated system for delivery of

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1 residential and outpatient care;

2 (6) methods for regularly estimating the  
3 need for community-based crisis treatment services annually  
4 and for allocating state money according to that need;

5 (7) procedures to allow for necessary  
6 information sharing and communication among a crisis and  
7 emergency response systems for the purpose of real-time  
8 crisis care coordination, including deployment of crisis and  
9 outgoing services, follow-up care and linked, flexible  
10 services specific to crisis response; and

11 (8) assessment of federal funding sources  
12 for the purposes of crisis response and establishment of  
13 processes to seek out such funding to supplement state  
14 funding for crisis response in New Mexico.

15 D. The director may establish rules as are  
16 necessary for the implementation pursuant to the provisions  
17 of this section.

18 E. By June 30, 2026, the director shall submit  
19 the plan and associated rules to the interim legislative  
20 health and human services committee and legislative finance  
21 committee."