

1 SENATE BILL 147

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antonio Maestas

10 AN ACT

11 RELATING TO JUVENILE COMMUNITY CORRECTIONS; AMENDING THE
12 JUVENILE COMMUNITY CORRECTIONS ACT; PROVIDING THAT MONEY IN THE
13 JUVENILE COMMUNITY CORRECTIONS GRANT FUND MAY BE USED TO
14 OPERATE PROGRAMS THAT PROVIDE SERVICES FOR ADJUDICATED
15 DELINQUENTS OR CHILDREN OR YOUTH; MAKING CONFORMING AMENDMENTS;
16 REPEALING SECTION 33-9A-5 NMSA 1978 (BEING LAWS 1988, CHAPTER
17 101, SECTION 43, AS AMENDED).

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 33-9A-2 NMSA 1978 (being Laws 1988,
21 Chapter 101, Section 40, as amended) is amended to read:

22 "33-9A-2. DEFINITIONS.--As used in the Juvenile Community
23 Corrections Act:

24 A. "child" means a person who is younger than
25 eighteen years of age;

.232203.2

underscored material = new
[bracketed material] = delete

1 [A.] B. "delinquent" means a child adjudicated
2 delinquent pursuant to the Children's Code;

3 [B.] C. "department" means the children, youth and
4 families department;

5 [C.] D. "fund" means the juvenile community
6 corrections grant fund;

7 [D.] E. "secretary" means the secretary of
8 children, youth and families; [and

9 [E.] F. "volunteer services" means services provided
10 by individuals or organizations without compensation,
11 reimbursement or award of any type; and

12 G. "youth" means a person who is eighteen years of
13 age or older but younger than twenty-two years of age."

14 SECTION 2. Section 33-9A-3 NMSA 1978 (being Laws 1988,
15 Chapter 101, Section 41, as amended) is amended to read:

16 "33-9A-3. JUVENILE COMMUNITY CORRECTIONS GRANT FUND
17 CREATED--PURPOSE--ADMINISTRATION--REPORT.--

18 A. There is created in the state treasury the
19 "juvenile community corrections grant fund" to be administered
20 by the department. All balances in the fund are appropriated
21 to the department to carry out the purposes of the fund, and no
22 money shall be transferred to another fund or be encumbered or
23 disbursed in any manner except as provided in the Juvenile
24 Community Corrections Act. Disbursements from the fund shall
25 be made only upon warrant drawn by the secretary of finance and

.232203.2

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 administration pursuant to vouchers signed by the secretary of
2 children, youth and families.

3 B. Money in the fund shall be used by the
4 department to make grants to counties, municipalities or
5 private organizations, individually or jointly, to provide
6 community corrections programs and services for the diversion
7 of adjudicated delinquents or children or youth referred for
8 services by the department to community-based settings. No
9 grant shall be made to a private organization that is not a
10 nonprofit organization without the approval of the secretary.
11 The department may also use money in the fund to contract
12 directly for or operate juvenile community corrections programs
13 that provide services for adjudicated delinquents or children
14 or youth referred for services by the department.

15 C. No more than [ten] twelve percent of the money
16 in the fund shall be used by the department for administration
17 and program monitoring by the department. No more than [ten]
18 twelve percent of any grant from the fund shall be used for
19 administrative costs incurred by the grantee.

20 D. After notice and public hearing as required by
21 law, the secretary shall adopt [regulations] rules that provide
22 standards for qualifications for grants, priorities for
23 awarding of grants and other standards regarding juvenile
24 community corrections programs [deemed necessary] that provide
25 services for adjudicated delinquents or children or youth

1 referred for services by the department. The department shall
2 review and approve or disapprove all applications submitted
3 pursuant to the Juvenile Community Corrections Act for a grant
4 of funds from the fund.

5 E. The department shall submit an annual report to
6 the governor and legislature not later than December 15
7 providing information on grant awards, program effectiveness
8 and monitoring efforts and making recommendations as necessary
9 to carry out the purpose of the fund.

10 F. The department may accept donations, payments,
11 contributions, gifts or grants from whatever source for the
12 benefit of the fund."

13 **SECTION 3.** Section 33-9A-4 NMSA 1978 (being Laws 1988,
14 Chapter 101, Section 42, as amended) is amended to read:

15 **"33-9A-4. APPLICATIONS--CRITERIA.--**

16 A. Counties, municipalities or private
17 organizations, individually or jointly, may apply for grants
18 from the fund, including grants for counties or municipalities
19 to purchase contractual services from private organizations;
20 provided that:

21 (1) the application is for funding a program
22 with priority use being for adjudicated delinquents [selected
23 pursuant to the provisions of Section 33-9A-5 NMSA 1978] or
24 children or youth to provide prevention, intervention and
25 diversion services;

.232203.2

(2) the applicant certifies that [it] the applicant is willing and able to operate the program according to standards provided by the department [which may include the ~~negotiation of a contract between the delinquent and program staff with provisions such as deductions from employment income for applicable victim restitution, family support, room and board, savings and weekly allowance. In addition to monetary restitution, to the extent practical, or if monetary restitution is not applicable, the contract may include provision for community service restitution for a specific number of hours]~~:

(3) the applicant demonstrates the support of key components of [the criminal justice system] prevention, intervention and diversion;

(4) the applicant, if a private organization, demonstrates the support of the county and municipality where the program will provide services;

(5) the applicant certifies that it will utilize volunteer services as an integral portion of the program to the maximum extent feasible; and

(6) no class A county alone or in conjunction with any municipality within a class A county shall receive more than forty-nine percent of any money appropriated to the fund.

B. Notwithstanding the provisions of Subsection A

underscored material = new
[bracketed material] = delete

of this section, the department may utilize the fund to place individuals eligible, or within twelve months of eligibility, for [parole] supervised release in community-based settings. The department may, in its discretion, require participation by a delinquent in a program as a condition of supervised release.

C. The department may utilize not more than twenty-five percent of the fund to contract directly for community corrections programs for a program agreement or service agreement that provides services for adjudicated delinquents or children or youth referred for services by the department or to establish programs operated by the department; provided, however, that the department may utilize up to an additional ten percent of the fund to operate juvenile community corrections programs that provide services for adjudicated delinquents or children or youth referred for services by the department if, after a reasonable effort to solicit proposals, there are no satisfactory proposals from a community where it is determined that a program is necessary or if it becomes necessary to cancel a program as provided in the contract.

D. The department shall establish additional guidelines for allocation of funds under the Juvenile Community Corrections Act. An applicant shall retain the authority to accept or reject the placement of [any] an adjudicated delinquent or a child or youth in a program."

SECTION 4. Section 41-4-3 NMSA 1978 (being Laws 1976,

.232203.2

underscored material = new
[bracketed material] = delete

1 Chapter 58, Section 3, as amended) is amended to read:

2 "41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

3 A. "board" means the risk management advisory
4 board;

5 B. "governmental entity" means the state or any
6 local public body as defined in Subsections C and H of this
7 section;

8 C. "local public body" means all political
9 subdivisions of the state and their agencies, instrumentalities
10 and institutions and all water and natural gas associations
11 organized pursuant to Chapter 3, Article 28 NMSA 1978;

12 D. "law enforcement officer" means a full-time
13 salaried public employee of a governmental entity, or a
14 certified part-time salaried police officer employed by a
15 governmental entity, whose principal duties under law are to
16 hold in custody any person accused of a criminal offense, to
17 maintain public order or to make arrests for crimes, or members
18 of the national guard when called to active duty by the
19 governor;

20 E. "maintenance" does not include:

21 (1) conduct involved in the issuance of a
22 permit, driver's license or other official authorization to use
23 the roads or highways of the state in a particular manner; or

24 (2) an activity or event relating to a public
25 building or public housing project that was not foreseeable;

.232203.2

F. "public employee" means an officer, employee or servant of a governmental entity, excluding independent contractors except for individuals defined in Paragraphs (7), (8), (10), (14) and (17) (6), (7), (9), (13) and (16) of this subsection, or of a corporation organized pursuant to the Educational Assistance Act, the Small Business Investment Act or the Mortgage Finance Authority Act or a licensed health care provider, who has no medical liability insurance, providing voluntary services as defined in Paragraph (16) (15) of this subsection and including:

(1) elected or appointed officials;

(2) law enforcement officers;

(3) persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation;

(4) licensed foster parents providing care for custody of the [human services department, department of health] state, but not parents certified by a licensed child ;

(5) members of state or local selection panels established pursuant to the Adult Community Corrections Act;

[6] members of state or local selection panels established pursuant to the Juvenile Community Corrections Act;

underscored material = new
[bracketed material] = delete

1 (7)] (6) licensed medical, psychological or
2 dental arts practitioners providing services to the corrections
3 department pursuant to contract;

4 [~~(8)~~] (7) members of the board of directors of
5 the New Mexico medical insurance pool;

6 [~~(9)~~] (8) individuals who are members of
7 medical review boards, committees or panels established by the
8 educational retirement board or the retirement board of the
9 public employees retirement association;

10 [~~(10)~~] (9) licensed medical, psychological or
11 dental arts practitioners providing services to the children,
12 youth and families department pursuant to contract;

13 [~~(11)~~] (10) members of the board of directors
14 of the New Mexico educational assistance foundation;

15 [~~(12)~~] (11) members of the board of directors
16 of the New Mexico student loan guarantee corporation;

17 [~~(13)~~] (12) members of the New Mexico mortgage
18 finance authority;

19 [~~(14)~~] (13) volunteers, employees and board
20 members of court-appointed special advocate programs;

21 [~~(15)~~] (14) members of the board of directors
22 of the small business investment corporation;

23 [~~(16)~~] (15) health care providers licensed in
24 New Mexico who render voluntary health care services without
25 compensation in accordance with rules promulgated by the

underscored material = new
[bracketed material] = delete

1 secretary of health. The rules shall include requirements for
2 the types of locations at which the services are rendered, the
3 allowed scope of practice and measures to ensure quality of
4 care;

5 [~~17~~] (16) an individual while participating
6 in the state's adaptive driving program and only while using a
7 special-use state vehicle for evaluation and training purposes
8 in that program;

9 [~~18~~] (17) the staff and members of the board
10 of directors of the New Mexico health insurance exchange
11 established pursuant to the New Mexico Health Insurance
12 Exchange Act; and

13 [~~19~~] (18) members of the insurance
14 nominating committee;

15 G. "scope of duty" means performing any duties that
16 a public employee is requested, required or authorized to
17 perform by the governmental entity, regardless of the time and
18 place of performance; and

19 H. "state" or "state agency" means the state of New
20 Mexico or any of its branches, agencies, departments, boards,
21 instrumentalities or institutions."

22 SECTION 5. Section 41-13-2 NMSA 1978 (being Laws 1999,
23 Chapter 268, Section 3) is amended to read:

24 "41-13-2. DEFINITIONS.--As used in the Governmental
25 Immunity Act:

.232203.2

- 1 A. "employment" includes services provided by an
2 immune contractor;
- 3 B. "governmental entity" means the state or a local
4 public body;
- 5 C. "immune contractor" means a person that:
 - 6 (1) is an independent contractor; and
 - 7 (2) contracts with a governmental entity to
8 provide:
 - 9 (a) care for children in the custody of
10 the ~~human services department, corrections department or~~
11 ~~department of health~~ state, as a licensed foster parent,
12 excluding foster parents certified by a licensed child
13 placement agency; or
 - 14 (b) services to the children, youth and
15 families department or the corrections department as a licensed
16 medical, psychological or dental arts practitioner;
 - 17 (3) is a member of:
18 ~~[(a) a state or local selection panel~~
19 ~~established pursuant to the Juvenile Community Corrections Act;~~
20 ~~(b)] (a) a state or local selection~~
21 panel established pursuant to the Adult Community Corrections
22 Act;
23 ~~[(c)] (b) the board of directors of the~~
24 New Mexico ~~comprehensive health~~ medical insurance pool;
25 ~~[(d)] (c) a medical review board, a~~

1 committee or panel established by the educational retirement
2 board or the retirement board of the public employees
3 retirement association;

4 [({e})] (d) the board of directors of the
5 New Mexico educational assistance foundation; or

6 [({f})] (e) the board of directors of the
7 New Mexico student loan guarantee corporation; or

8 (4) is a volunteer, employee or board member
9 of a court-created special advocate program;

10 D. "local public body" means a political
11 subdivision of the state and its agencies, instrumentalities
12 and institutions and a water and natural gas association
13 organized pursuant to Chapter 3, Article 28 NMSA 1978;

14 E. "public employee" means a natural person that is
15 an officer or employee of a governmental entity; and

16 F. "state" means the state of New Mexico or any of
17 its branches, agencies, departments, boards, instrumentalities
18 or institutions."

19 SECTION 6. REPEAL.--Section 33-9A-5 NMSA 1978 (being Laws
20 1988, Chapter 101, Section 43, as amended) is repealed.