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SENATE BILL 305

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

INTRODUCED BY

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AN ACT

RELATING TO JUVENILE COMMUNITY CORRECTIONS; AMENDING AND  
RENAMING THE JUVENILE COMMUNITY CORRECTIONS ACT; PROVIDING THAT  
MONEY IN THE JUVENILE COMMUNITY CORRECTIONS GRANT FUND MAY BE  
USED TO OPERATE PROGRAMS THAT PROVIDE SERVICES FOR CHILDREN,  
YOUTH OR ADJUDICATED DELINQUENTS REFERRED TO THE DEPARTMENT;  
MAKING CONFORMING AMENDMENTS.

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

SECTION 1. Section 33-9A-1 NMSA 1978 (being Laws 1988,  
Chapter 101, Section 39, as amended) is amended to read:

"33-9A-1. SHORT TITLE.--Chapter 33, Article 9A NMSA 1978  
may be cited as the "Juvenile Community [~~Corrections~~  
Connections Act"."

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

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1 "33-9A-2. DEFINITIONS.--As used in the Juvenile Community  
2 [~~Corrections~~] Connections Act:

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

5 [~~A.~~] B. "delinquent" means a child adjudicated  
6 delinquent pursuant to the Children's Code;

7 [~~B.~~] C. "department" means the children, youth and  
8 families department;

9 [~~C.~~] D. "fund" means the juvenile community  
10 [~~corrections~~] connections grant fund;

11 E. "research-based interventions and risk reduction  
12 services" means services that demonstrate effectiveness at  
13 reducing involvement in the criminal or juvenile justice  
14 system, increase school attendance, reduce trauma and include  
15 referrals of high-risk children and youth into programs based  
16 on best practices in the youth intervention service fields;

17 [~~D.~~] F. "secretary" means the secretary of  
18 children, youth and families; [~~and~~

19 E.] G. "volunteer services" means services provided  
20 by individuals or organizations without compensation,  
21 reimbursement or award of any type; and

22 H. "youth" means a person between eighteen and  
23 twenty-two years of age."

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

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1 "33-9A-3. JUVENILE COMMUNITY [~~CORRECTIONS~~] CONNECTIONS  
2 GRANT FUND CREATED--PURPOSE--ADMINISTRATION--REPORT.--

3 A. There is created in the state treasury the  
4 "juvenile community [~~corrections~~] connections grant fund" to be  
5 administered by the department. All balances in the fund are  
6 appropriated to the department to carry out the purposes of the  
7 fund, and no money shall be transferred to another fund or be  
8 encumbered or disbursed in any manner except as provided in the  
9 Juvenile Community [~~Corrections~~] Connections Act.

10 Disbursements from the fund shall be made only upon warrant  
11 drawn by the secretary of finance and administration pursuant  
12 to vouchers signed by the secretary of children, youth and  
13 families.

14 B. Money in the fund shall be used by the  
15 department to make grants to counties, municipalities or  
16 private organizations, individually or jointly, to provide  
17 community [~~corrections~~] programs and services for [~~the~~  
18 ~~diversion of~~] adjudicated delinquents [~~to community-based~~  
19 ~~settings~~] or children or youth referred to juvenile justice  
20 services for committing a delinquent act. No grant shall be  
21 made to a private organization that is not a nonprofit  
22 organization without the approval of the secretary. The  
23 department may also use money in the fund to contract directly  
24 for or operate [~~juvenile community corrections~~] programs that  
25 provide services for adjudicated delinquents or children or

1 youth referred to juvenile justice services for committing a  
2 delinquent act.

3 C. No more than [~~ten~~] twelve percent of the money  
4 in the fund shall be used by the department for administration  
5 and program monitoring by the department. No more than [~~ten~~]  
6 twelve percent of any grant from the fund shall be used for  
7 administrative costs incurred by the grantee.

8 D. After notice and public hearing as required by  
9 law, the secretary shall adopt [~~regulations~~] rules that provide  
10 standards for qualifications for grants, priorities for  
11 awarding of grants and other standards regarding [~~juvenile~~  
12 ~~community corrections~~] programs [~~deemed necessary~~] that provide  
13 research-based interventions and risk deduction services for  
14 adjudicated delinquents or children or youth referred to  
15 juvenile justice services for committing a delinquent act. The  
16 department shall review and approve or disapprove all  
17 applications submitted pursuant to the Juvenile Community  
18 [~~Corrections~~] Connections Act for a grant of funds from the  
19 fund.

20 E. The department shall submit an annual report to  
21 the governor and legislature not later than December 15  
22 providing information on grant awards, program participation,  
23 program completion, program outcomes and effectiveness and  
24 monitoring efforts and making recommendations as necessary to  
25 carry out the purpose of the fund.

.233393.1

1 F. The department may accept donations, payments,  
2 contributions, gifts or grants from whatever source for the  
3 benefit of the fund."

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

6 "33-9A-4. APPLICATIONS--CRITERIA.--

7 A. Counties, municipalities or private  
8 organizations, individually or jointly, may apply for grants  
9 from the fund, including grants for counties or municipalities  
10 to purchase contractual services from private organizations;  
11 provided that:

12 (1) the application is for funding a program  
13 with priority use being for ~~[delinquents selected pursuant to~~  
14 ~~the provisions of Section 33-9A-5 NMSA 1978]~~ adjudicated  
15 delinquents or children and youth referred to juvenile services  
16 for committing a delinquent act to provide research-based  
17 interventions and risk reduction services;

18 (2) the applicant certifies that ~~[it]~~ the  
19 applicant is willing and able to operate the program according  
20 to standards provided by the department, which may include the  
21 negotiation of a ~~[contract]~~ program agreement or service  
22 agreement between the ~~[delinquent]~~ child or youth and program  
23 staff with provisions such as deductions from employment income  
24 for applicable victim restitution, family support, room and  
25 board, savings and weekly allowance. In addition to monetary

.233393.1

1 restitution, to the extent practical, or if monetary  
2 restitution is not applicable, the ~~[contract]~~ program agreement  
3 or service agreement may include provision for community  
4 service restitution for a specific number of hours;

5 (3) the applicant demonstrates the support of  
6 key components of the ~~[criminal justice system]~~ research-based  
7 intervention and risk reduction programs for children and  
8 youth;

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

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

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

19 B. Notwithstanding the provisions of Subsection A  
20 of this section, the department may utilize the fund to place  
21 individuals eligible, or within twelve months of eligibility,  
22 for ~~[parole]~~ supervised release in community-based settings.  
23 The department may, in its discretion, require participation by  
24 a delinquent in a program as a condition of supervised release.

25 C. The department may utilize not more than twenty-

1 five percent of the fund [~~to contract directly for community~~  
2 ~~corrections programs~~] for a program agreement or service  
3 agreement that provides services for adjudicated delinquents or  
4 children and youth referred to juvenile justice services for  
5 committing a delinquent act or to establish programs operated  
6 by the department; provided, however, that the department may  
7 utilize up to an additional ten percent of the fund to operate  
8 [~~juvenile community corrections~~] programs that provide services  
9 for adjudicated delinquents or children and youth referred to  
10 juvenile justice services for committing a delinquent act if,  
11 after a reasonable effort to solicit proposals, there are no  
12 satisfactory proposals from a community where it is determined  
13 that a program is necessary or if it becomes necessary to  
14 cancel a program as provided in the contract.

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

20 SECTION 5. Section 33-9A-5 NMSA 1978 (being Laws 1988,  
21 Chapter 101, Section 43, as amended) is amended to read:

22 "33-9A-5. SELECTION PANELS.--

23 A. [~~The department shall establish a state panel~~] A  
24 county, municipality or private organization, individually or  
25 jointly, may establish the local panel whose duties shall be to

.233393.1

1 immediately screen and identify delinquents sentenced to a  
2 juvenile [~~correctional~~] facility of the department. [~~and~~  
3 ~~transferred to the legal custody of the department, except~~  
4 ~~individuals who are sentenced or transferred from a judicial~~  
5 ~~district that has established a local panel to exercise these~~  
6 ~~duties pursuant to the provisions of this section and who meet~~  
7 ~~the following criteria:~~

8 (1) ~~the offense involved is one for which~~  
9 ~~community service or reasonable restitution may be made using a~~  
10 ~~payment schedule compatible with the total amount of~~  
11 ~~restitution to be paid and the time the offender is to~~  
12 ~~participate in a program; and~~

13 (2) ~~the child is willing to enter into a~~  
14 ~~contract that establishes objectives that shall be achieved~~  
15 ~~before release from the program]~~ The composition of a local  
16 panel shall include representatives from the judiciary, local  
17 schools, the department, the county sheriff or the municipal  
18 police department, individuals representing local programs and  
19 private citizens.

20 B. The department [~~may~~] shall establish criteria  
21 [~~in addition to those established in Subsection A of this~~  
22 ~~section]~~ for the screening of adjudicated delinquents who would  
23 benefit from participation in a program and who would not pose  
24 a threat to the community.

25 C. If the [~~state~~] local panel determines that a



1 child is suitable for placement in a program, a recommendation  
2 to that effect and for modification of disposition shall be  
3 presented as soon as possible to the sentencing judge or the  
4 department, which may, notwithstanding any provision of law,  
5 accept, modify or reject the recommendation. The determination  
6 shall be presented to the county, municipality or private  
7 nonprofit organization, as applicable, for approval or  
8 rejection.

9 ~~[D. A county, municipality or private nonprofit~~  
10 ~~organization, individually or jointly, may establish a local~~  
11 ~~panel to exercise the duties and responsibilities of the state~~  
12 ~~panel pursuant to the provisions of Subsection A of this~~  
13 ~~section and, using the same criteria as the state panel, the~~  
14 ~~local panel may screen and identify delinquents. The~~  
15 ~~composition of a local panel shall include, to the maximum~~  
16 ~~extent possible, representatives of the judiciary, the~~  
17 ~~administrative office of the district attorneys, the public~~  
18 ~~defender department, the children, youth and families~~  
19 ~~department, the county sheriff or the municipal police~~  
20 ~~department, individuals representing local programs and private~~  
21 ~~citizens.]"~~

22 SECTION 6. Section 41-4-3 NMSA 1978 (being Laws 1976,  
23 Chapter 58, Section 3, as amended) is amended to read:

24 "41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

25 A. "board" means the risk management advisory

1 board;

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

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

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

17 E. "maintenance" does not include:

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

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

23 F. "public employee" means an officer, employee or  
24 servant of a governmental entity, excluding independent  
25 contractors except for individuals defined in Paragraphs (7),

.233393.1

1 (8), (10), (14) and (17) of this subsection, or of a  
2 corporation organized pursuant to the Educational Assistance  
3 Act, the Small Business Investment Act or the Mortgage Finance  
4 Authority Act or a licensed health care provider, who has no  
5 medical liability insurance, providing voluntary services as  
6 defined in Paragraph (16) of this subsection and including:

7 (1) elected or appointed officials;

8 (2) law enforcement officers;

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

12 (4) licensed foster parents providing care for  
13 children in the custody of the ~~[human services department,~~  
14 ~~corrections department or department of health]~~ state, but not  
15 including foster parents certified by a licensed child  
16 placement agency;

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

19 (6) members of state or local selection panels  
20 established pursuant to the Juvenile Community ~~[Corrections]~~  
21 Connections Act;

22 (7) licensed medical, psychological or dental  
23 arts practitioners providing services to the corrections  
24 department pursuant to contract;

25 (8) members of the board of directors of the

1 New Mexico medical insurance pool;

2 (9) individuals who are members of medical  
3 review boards, committees or panels established by the  
4 educational retirement board or the retirement board of the  
5 public employees retirement association;

6 (10) licensed medical, psychological or dental  
7 arts practitioners providing services to the children, youth  
8 and families department pursuant to contract;

9 (11) members of the board of directors of the  
10 New Mexico educational assistance foundation;

11 (12) members of the board of directors of the  
12 New Mexico student loan guarantee corporation;

13 (13) members of the New Mexico mortgage  
14 finance authority;

15 (14) volunteers, employees and board members  
16 of court-appointed special advocate programs;

17 (15) members of the board of directors of the  
18 small business investment corporation;

19 (16) health care providers licensed in New  
20 Mexico who render voluntary health care services without  
21 compensation in accordance with rules promulgated by the  
22 secretary of health. The rules shall include requirements for  
23 the types of locations at which the services are rendered, the  
24 allowed scope of practice and measures to ensure quality of  
25 care;

.233393.1

1 (17) an individual while participating in the  
2 state's adaptive driving program and only while using a  
3 special-use state vehicle for evaluation and training purposes  
4 in that program;

5 (18) the staff and members of the board of  
6 directors of the New Mexico health insurance exchange  
7 established pursuant to the New Mexico Health Insurance  
8 Exchange Act; and

9 (19) members of the insurance nominating  
10 committee;

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

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

18 SECTION 7. Section 41-13-2 NMSA 1978 (being Laws 1999,  
19 Chapter 268, Section 3) is amended to read:

20 "41-13-2. DEFINITIONS.--As used in the Governmental  
21 Immunity Act:

22 A. "employment" includes services provided by an  
23 immune contractor;

24 B. "governmental entity" means the state or a local  
25 public body;

.233393.1

C. "immune contractor" means a person that:

(1) is an independent contractor; ~~and~~

(2) contracts with a governmental entity to provide:

(a) care for children in the custody of the ~~[human services department, corrections department or department of health]~~ state, as a licensed foster parent, excluding foster parents certified by a licensed child placement agency; or

(b) services to the children, youth and families department or the corrections department as a licensed medical, psychological or dental arts practitioner;

(3) is a member of:

(a) a state or local selection panel established pursuant to the Juvenile Community ~~[Corrections]~~ Connections Act;

(b) a state or local selection panel established pursuant to the Adult Community Corrections Act;

(c) the board of directors of the New Mexico ~~[comprehensive health]~~ medical insurance pool;

(d) a medical review board, a committee or panel established by the educational retirement board or the retirement board of the public employees retirement association;

(e) the board of directors of the New

1 Mexico educational assistance foundation; or

2 (f) the board of directors of the New  
3 Mexico student loan guarantee corporation; or

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

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

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

12 F. "state" means the state of New Mexico or any of  
13 its branches, agencies, departments, boards, instrumentalities  
14 or institutions."

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