

1 SENATE BILL 305

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

3 INTRODUCED BY

4 Linda M. López

10 AN ACT

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

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

21 "33-9A-1. SHORT TITLE.--Chapter 33, Article 9A NMSA 1978  
22 may be cited as the "Juvenile Community [Corrections]  
23 Connections Act"."

24 **SECTION 2.** Section 33-9A-2 NMSA 1978 (being Laws 1988,  
25 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

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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.

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

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

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

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

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

(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] program agreement or service agreement between the [delinquent] child or youth 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] program agreement or service agreement 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] research-based intervention and risk reduction programs for children and youth;

(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 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-

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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

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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

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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

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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),

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(8), (10), (14) and (17) 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) 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 children in the custody of the ~~human services department, corrections department or department of health~~ state, but not including foster parents certified by a licensed child placement agency;

(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 Connections Act;

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

(8) members of the board of directors of the

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## New Mexico medical insurance pool;

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

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

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

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

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

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

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

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

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

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

(19) members of the insurance nominating committee;

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

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

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

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

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

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

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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