

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 550

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING THE WARRANT BACKLOG REDUCTION COMMITTEE; PROVIDING FOR
THE DISTRIBUTION OF MONEY APPROPRIATED TO THE DEPARTMENT OF
FINANCE AND ADMINISTRATION BY THE GENERAL APPROPRIATION ACT OF
2023 FOR FELONY WARRANT ENFORCEMENT.

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

SECTION 1. TEMPORARY PROVISION--WARRANT BACKLOG REDUCTION

.225666.4AIC March 6, 2023 (3:56pm)

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COMMITTEE--ADMINISTRATION--DISTRIBUTION OF MONEY FOR REDUCTION
OF FELONY WARRANT BACKLOG--GRANT CRITERIA.--

A. Money that was appropriated, pursuant to the General Appropriation Act of 2023, from the general fund to the department of finance and administration shall be distributed in accordance with the decisions made by the warrant backlog reduction committee to:

(1) provide grant disbursements pursuant to Subsection H of this section; and

(2) fund administrative costs necessary to carry out the provisions of this section, including such administrative costs that are necessary to evaluate the efficacy of warrant backlog reduction efforts undertaken by grantees; provided that the amount expended for administrative costs shall not exceed three percent of the total appropriation.

B. The "warrant backlog reduction committee" is created and is administratively attached to the department of finance and administration. The committee consists of the following ten voting members:

(1) one member who is employed by the department of public safety, to be appointed by the secretary of public safety;

(2) one member who is employed by a municipal police department in the state, to be appointed by the New

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Mexico municipal league;

(3) one member who is employed by a county sheriff's office in the state, to be appointed by the New Mexico association of counties;

(4) one member who is employed by a tribal law enforcement agency in the state, to be appointed by the secretary of Indian affairs;

(5) one member who is employed by the administrative division of the public defender department, to be appointed by the chief public defender;

(6) one member who is employed by the administrative office of the district attorneys, to be appointed by the director of the administrative office of the district attorneys;

(7) one member who is employed by a local jail in the state, to be appointed by the New Mexico association of counties;

(8) one member who is employed by the adult probation and parole division of the corrections department, to be appointed by the secretary of corrections;

(9) one member who is employed by the administrative office of the courts, to be appointed by the director of the administrative office of the courts; and

(10) one member who is employed by the department of finance and administration, to be appointed by

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the secretary of finance and administration.

C. The committee shall elect a chair from among its members.

D. The committee shall:

(1) conduct at least one meeting, or more than one meeting as necessary to carry out its duties, at the time and location that the committee designates;

(2) develop criteria for the awarding of grants as provided in Subsection M of this section;

(3) award grants to county sheriff's offices, municipal police departments, tribal law enforcement agencies, the public defender department, district attorney offices, district ~~Hfll~~→**and magistrate**←~~Hfll~~ courts and the metropolitan court through the administrative office of the courts, local jails, the New Mexico state police division of the department of public safety and any of its offices and the adult probation and parole division of the corrections department and any of its offices as provided in Subsections H through K of this section;

(4) collect information about expenditures from grantees as provided in Subsection P of this section;

(5) report applicant and grantee information as provided in Subsection R of this section; and

(6) disseminate information regarding the program and application process to all eligible entities.

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E. A majority of the members of the committee constitutes a quorum for the transaction of business.

F. A member of the committee shall not review or vote on a proposal made by an applicant with whom the member is employed.

G. Administrative and other necessary support shall be provided to the committee by the department of finance and administration.

H. The committee may allocate:

(1) up to seventy percent of the appropriation, less administrative costs as provided in Paragraph (2) of Subsection A of this section, for grants awarded to county sheriff's offices, municipal police departments, tribal law enforcement agencies, the New Mexico state police division of the department of public safety and any of its offices and the adult probation and parole division of the corrections department and any of its offices; and

(2) any amount of available money remaining from the appropriation for grants awarded to the public defender department, district attorney offices and courts and the metropolitan court through the administrative office of the courts.

I. The New Mexico state police division of the department of public safety and any of its offices and any county sheriff's office, municipal police department and tribal

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law enforcement agency are eligible to apply for a grant; provided that the agency is in compliance with applicable statutory reporting requirements, including those described in Subsection C of Section 29-3-11 NMSA 1978 and Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978, and all reporting requirements for appropriations that have not been fully expended and have not reverted to the general fund or any other fund.

J. The corrections department is eligible to apply for a grant; provided that the agency is in compliance with applicable statutory reporting requirements, including those described in Subsection F of Section 31-20-2 NMSA 1978, Subsection C of Section 33-15-3 and Sections 9-3-9, 33-9-10 and 33-16-5 NMSA 1978, and all reporting requirements for appropriations that have not been fully expended and have not reverted to the general fund or any other fund.

K. Any of the entities described in Paragraph (3) of Subsection D of this section but not described in Subsection I or J of this section are eligible to apply for a grant; provided that the entity is in compliance with applicable statutory reporting requirements and all reporting requirements for appropriations that have not been fully expended by the entity and have not reverted to the general fund or any other fund.

L. The committee shall consult with the

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administrative office of the courts to obtain information and data regarding outstanding warrants in an applicant's jurisdiction as necessary to evaluate an application in accordance with the criteria described in Subsection M of this section.

M. The committee shall develop grant criteria to guide its determination for the awarding of a grant, and the criteria shall consider:

(1) the number of outstanding felony warrants in the applicant's jurisdiction;

(2) the severity of the crimes giving rise to the outstanding felony warrants in the applicant's jurisdiction;

(3) the age of the outstanding felony warrants in the applicant's jurisdiction;

(4) whether and to what extent additional arrests performed for outstanding warrants will impact the applicant;

(5) the number of repeat offenders for whom outstanding warrants were issued in the applicant's jurisdiction;

(6) the number of violent crimes, including homicide, aggravated battery with a deadly weapon, aggravated assault with a deadly weapon, robbery, kidnapping, felony domestic violence, auto theft and burglary, giving rise to the

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outstanding felony warrants in the applicant's jurisdiction;

(7) the applicant's intended use of a grant to pay overtime costs associated with warrant backlog reduction efforts; and

(8) the total personnel cost of operations.

N. A grantee may use a grant award to:

(1) compensate employees of the grantee who perform duties related to warrant backlog reduction efforts;

(2) compensate employees of the grantee who work overtime hours related to warrant backlog reduction efforts;

(3) fund warrant backlog entry;

(4) fund warrant backlog cleanup; and

(5) advertise and conduct safe surrender events at which a person with an outstanding warrant may resolve an outstanding warrant by safe surrender.

O. A grantee shall not use a grant:

(1) for recurring initiatives for warrant backlog reduction efforts, except the grantee may use a grant for a recurring initiative if the grantee has provided a plan to replace nonrecurring funds with recurring funds to fund that initiative; or

(2) to create new employee positions.

P. A grantee shall provide to the committee within ninety days of receiving a grant, and then every ninety days

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thereafter until the earliest of either the completion of the grantee's initiative or all funds are expended, a report of the grantee's expenditures for the grantee's initiative. Any unexpended money remaining after the completion of the grantee's initiative shall revert to the department of finance and administration within sixty days of completion of the initiative.

Q. County sheriff's offices, municipal police departments, tribal law enforcement agencies, the New Mexico state police division of the department of public safety and any of its offices and the adult probation and parole division of the corrections department and any of its offices that are awarded grants pursuant to this section shall provide to the committee a list of warrants the agency intends to target as part of its warrant enforcement efforts prior to the receipt of any grant funding and shall provide to the committee within ninety days of receiving a grant, and then every ninety days thereafter until the earliest of either the completion of the grantee's initiative or all funds are expended, a report detailing the status of each of the warrants previously identified to be targeted, any warrants the grantee no longer intends to target and any additional warrants the grantee intends to target.

R. The committee shall provide at least one annual report by November 1 of fiscal year 2024 to the department of

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finance and administration and the legislative finance committee that contains:

- (1) applicant information, including information about the applicant's entity, the grant amount requested and the description of the applicant's proposed use of the grant;
- (2) individual grantee information, including information about the grantee's entity, the grant amount awarded and the description of the grantee's use of the grant;
- (3) data collected and evaluations made by the department of finance and administration about the efficacy of the initiatives of award recipients; and
- (4) data reported by grantees pursuant to Subsections P and Q of this section.

S. As used in this section:

- (1) "committee" means the warrant backlog reduction committee; and
- (2) "local jail" means a facility operated by a county, municipality or combination of local government used for the confinement of persons charged with or convicted of a violation of a law or ordinance, but does not include a facility operated by a private independent contractor pursuant to an agreement with a county, municipality or combination of such local governments.

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