

1 HOUSE BILL 357

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Meredith A. Dixon and T. Ryan Lane and Dayan Hochman-Vigil and
5 Gail Armstrong and Joy Garratt
6
7
8
9

10 AN ACT

11 RELATING TO CRIMINAL JUSTICE; CREATING THE LAW ENFORCEMENT
12 WORKFORCE CAPACITY BUILDING FUND; CREATING THE PUBLIC ATTORNEY
13 WORKFORCE CAPACITY BUILDING FUND; PROVIDING FUNDING FOR THE
14 RECRUITMENT AND RETENTION OF LAW ENFORCEMENT OFFICERS, PUBLIC
15 DEFENDERS AND PROSECUTORS.
16

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

18 SECTION 1. A new Section 9-6-17 NMSA 1978 is enacted to
19 read:

20 "9-6-17. [NEW MATERIAL] LAW ENFORCEMENT WORKFORCE
21 CAPACITY BUILDING FUND--LAW ENFORCEMENT WORKFORCE CAPACITY
22 BUILDING FUND COMMITTEE--ADMINISTRATION--DISTRIBUTION OF
23 FUNDS--GRANT CRITERIA.--

24 A. The "law enforcement workforce capacity building
25 fund" is created in the state treasury. The fund consists of
.223910.2

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 appropriations, gifts, grants and donations. Any unexpended or
2 unencumbered balance remaining in the fund at the end of a
3 fiscal year shall revert to the general fund unless an
4 appropriation provides a different period for expenditure.

5 B. The department of finance and administration
6 shall administer the fund and shall make grant disbursements in
7 accordance with the decisions of the law enforcement workforce
8 capacity building fund committee to recruit and retain high-
9 quality law enforcement officers, except as provided in
10 Subsection D of this section. Disbursements from the fund
11 shall be made on warrants drawn by the secretary of finance and
12 administration pursuant to vouchers signed by the chair of the
13 law enforcement workforce capacity building fund committee.

14 C. The "law enforcement workforce capacity building
15 fund committee" is created. The committee consists of an equal
16 number of voting members each from the department of finance
17 and administration, the department of public safety, municipal
18 police departments and county sheriff's offices. The committee
19 shall elect a chair from among its membership. A voting member
20 of the committee shall not review or vote on a proposal made by
21 an applicant with whom the member is employed.

22 D. The department of finance and administration may
23 allocate:

24 (1) to the committee or to the department of
25 finance and administration, up to three percent of the money in

.223910.2

underscored material = new
~~[bracketed material] = delete~~

1 the fund to pay for administrative costs necessary to carry out
2 the provisions of this section, including to evaluate the
3 efficacy of recruitment and retention initiatives implemented
4 by grant recipients;

5 (2) to the committee, up to twenty-five
6 percent of the money in the fund for grants awarded to entities
7 within the jurisdiction of a county having a population of at
8 least five hundred thousand according to the most recent
9 federal decennial census;

10 (3) to the committee, up to thirty-five
11 percent of the money in the fund for grants awarded to entities
12 within the jurisdiction of a county having a population of at
13 least one hundred thousand but less than five hundred thousand
14 according to the most recent federal decennial census; and

15 (4) to the department of finance and
16 administration, up to fifty thousand dollars (\$50,000) every
17 five fiscal years, to be expended in consultation with the
18 committee for workload studies designed to improve the
19 structure and criteria of the provisions of this section.
20 These studies shall recommend policy or program measures to be
21 considered by the legislature.

22 E. All municipal police departments, county
23 sheriff's offices and offices of the New Mexico state police
24 division of the department of public safety that propose to
25 undertake initiatives in collaboration with a municipal police

.223910.2

underscoring material = new
~~[bracketed material] = delete~~

1 department or county sheriff's office are eligible to apply for
2 a grant.

3 F. The awarding of grants shall be by the
4 committee, and the committee shall develop grant criteria for
5 grant awards, taking into consideration:

- 6 (1) an applicant's officer vacancy rate;
- 7 (2) cost-of-living and comparable market
8 compensation for an applicant's locality;
- 9 (3) crime rates in an applicant's locality;
- 10 (4) an applicant's proposal for initiatives
11 that target the recruitment of candidates who are not currently
12 employed by a law enforcement agency within the state;
- 13 (5) an applicant's proposal for nonrecurring
14 initiatives, except an applicant who proposes a recurring
15 initiative may propose a plan to replace nonrecurring funds
16 with recurring funds to fund that initiative;
- 17 (6) an applicant's proposal for initiatives to
18 be undertaken in collaboration with municipal police
19 departments and county sheriff's offices with overlapping
20 jurisdiction; and
- 21 (7) an applicant's proposal for initiatives to
22 be undertaken by municipal police departments and county
23 sheriff's offices with overlapping jurisdiction.

24 G. A grantee may use a grant to:

- 25 (1) provide disbursements to newly hired law

underscoring material = new
~~[bracketed material] = delete~~

1 enforcement officers, including disbursements for relocation
2 expenses;

3 (2) provide disbursements to law enforcement
4 officers already employed by the applicant for the purpose of
5 retention;

6 (3) implement professional development
7 initiatives designed to recruit, train and retain law
8 enforcement officers; and

9 (4) implement campaigns to recruit in-state
10 and out-of-state candidates, with prioritization for campaigns
11 that target experienced law enforcement officers.

12 H. A grantee shall not use a grant to create new
13 law enforcement officer positions or fund existing, unfunded
14 law enforcement officer positions.

15 I. The committee shall provide at least one annual
16 report by November 1 of each fiscal year to the department of
17 finance and administration and the legislative finance
18 committee that contains:

19 (1) aggregate applicant information, including
20 the number of applications by law enforcement agency;

21 (2) individual grantee information, including
22 information about the grantee's agency, the grant amount
23 awarded and the title and description of the grantee's
24 initiative; and

25 (3) data collected and evaluations made by the

.223910.2

underscored material = new
~~[bracketed material] = delete~~

1 committee, pursuant to Paragraph (1) of Subsection D of this
2 section, about the efficacy of the initiatives of prior award
3 recipients."

4 SECTION 2. A new Section 9-6-18 NMSA 1978 is enacted to
5 read:

6 "9-6-18. ~~[NEW MATERIAL]~~ PUBLIC ATTORNEY WORKFORCE
7 CAPACITY BUILDING FUND CREATED--PUBLIC ATTORNEY WORKFORCE
8 CAPACITY BUILDING FUND COMMITTEE--ADMINISTRATION--GRANT
9 CRITERIA.--

10 A. The "public attorney workforce capacity building
11 fund" is created in the state treasury. The fund consists of
12 appropriations, gifts, grants and donations. Any unexpended or
13 unencumbered balance remaining in the fund at the end of a
14 fiscal year shall revert to the general fund unless an
15 appropriation provides a different period for expenditure.

16 B. The department of finance and administration
17 shall administer the fund and shall make grant disbursements in
18 accordance with the decisions of the public attorney workforce
19 capacity building fund committee to recruit and retain public
20 defenders and prosecutors, except as provided in Subsection D
21 of this section. Disbursements from the fund shall be made on
22 warrants drawn by the secretary of finance and administration
23 pursuant to vouchers signed by the chair of the public attorney
24 workforce capacity building fund committee.

25 C. The "public attorney workforce capacity building
.223910.2

underscoring material = new
~~[bracketed material] = delete~~

1 fund committee" is created. The committee consists of an equal
2 number of voting members each from the public defender
3 department and the administrative office of the district
4 attorneys. The committee shall elect a chair from among its
5 membership. A voting member of the committee who has been
6 selected by the public defender department shall not review or
7 vote on a proposal made by an applicant with whom the member is
8 employed; provided that the member may review and vote on that
9 proposal if the member is physically located in the office of
10 the applicant but the member's association with the public
11 defender department is statewide.

12 D. The department of finance and administration may
13 allocate:

14 (1) to the committee, up to three percent of
15 the money in the fund to pay for administrative costs necessary
16 to carry out the provisions of this section, including to
17 evaluate the efficacy of recruitment and retention initiatives
18 implemented by grant recipients;

19 (2) to the committee, up to twenty-five
20 percent of the money in the fund for grants awarded to entities
21 within the jurisdiction of a county having a population of at
22 least five hundred thousand according to the most recent
23 federal decennial census;

24 (3) to the committee, up to thirty-five
25 percent of the money in the fund for grants awarded to entities

.223910.2

1 within the jurisdiction of a county having a population of at
2 least one hundred thousand but less than five hundred thousand
3 according to the most recent federal decennial census; and

4 (4) to the public defender department or the
5 administrative office of the district attorneys, up to fifty
6 thousand dollars (\$50,000) every five fiscal years for workload
7 studies designed to improve the structure and criteria of the
8 provisions of this section. These studies shall recommend
9 policy or program measures to be considered by the legislature.

10 E. The awarding of grants to local offices of the
11 public defender and local district attorney offices shall be by
12 the committee, and the committee shall develop grant criteria
13 for grant awards, taking into consideration:

- 14 (1) an applicant's attorney vacancy rate;
15 (2) an applicant's attorney caseload;
16 (3) cost-of-living and comparable market
17 compensation for an applicant's locality;
18 (4) crime rates in an applicant's locality;
19 (5) the number of attorneys employed by an
20 applicant;
21 (6) an applicant's proposal for initiatives
22 that target the recruitment of candidates who are law school
23 students, attorneys who are not currently employed or
24 contracted by the state or attorneys who are not currently
25 employed in New Mexico;

.223910.2

1 (7) an applicant's proposal for nonrecurring
2 initiatives, except an applicant who proposes a recurring
3 initiative may propose a plan to replace nonrecurring funds
4 with recurring funds to fund that initiative;

5 (8) an applicant's proposal for initiatives
6 that include collaboration among public defender offices,
7 district attorney offices and other criminal justice entities;
8 and

9 (9) an applicant's proposal for initiatives
10 that will take place within a judicial district having existing
11 pre-prosecution diversion programs or a plan to implement those
12 programs within two fiscal years.

13 F. A grant award may be used by a grantee to:

14 (1) provide disbursements to newly hired
15 attorneys, included disbursements for relocation expenses;

16 (2) provide disbursements to attorneys already
17 employed by the applicant;

18 (3) implement professional development
19 initiatives designed to recruit, train and retain attorneys;
20 and

21 (4) implement campaigns to recruit in-state
22 and out-of-state candidates, with prioritization for campaigns
23 that target law school students.

24 G. A grantee shall not use a grant to create new
25 attorney positions or contract with private attorneys except in

underscoring material = new
[bracketed material] = delete

1 a judicial district not having a public defender office.

2 H. The committee shall provide at least one annual
3 report by November 1 of each fiscal year to the department of
4 finance and administration and the legislative finance
5 committee that contains:

6 (1) aggregate applicant information, including
7 the number of applications by public defender offices and by
8 district attorney offices;

9 (2) individual grantee information, including
10 information about the grantee's judicial district location, the
11 grant amount awarded and the title and description of the
12 grantee's initiative; and

13 (3) data collected and evaluations made by the
14 committee, pursuant to Paragraph (1) of Subsection D of this
15 section, about the efficacy of the initiatives of prior award
16 recipients."

17 SECTION 3. REPEAL.--Section 9-6-5.3 NMSA 1978 (being Laws
18 2022, Chapter 56, Section 1) is repealed.

19 - 10 -

20
21
22
23
24
25