

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 357

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

AN ACT

RELATING TO CRIMINAL JUSTICE; CREATING THE LAW ENFORCEMENT
WORKFORCE CAPACITY BUILDING FUND; CREATING THE PUBLIC ATTORNEY
WORKFORCE CAPACITY BUILDING FUND; CREATING THE DETENTION AND
CORRECTIONS WORKFORCE CAPACITY BUILDING FUND; PROVIDING FUNDING
FOR THE RECRUITMENT AND RETENTION OF LAW ENFORCEMENT OFFICERS,
DETENTION OFFICERS, PUBLIC DEFENDERS AND PROSECUTORS.

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

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

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

A. The "law enforcement workforce capacity building
.225404.5

underscoring material = new
[bracketed material] = delete

1 fund" is created in the state treasury to support efforts to
2 increase the available workforce of law enforcement officers,
3 including initiatives to recruit and retain high-quality law
4 enforcement officers. The fund consists of appropriations,
5 gifts, grants and donations. Any unexpended or unencumbered
6 balance remaining in the fund at the end of a fiscal year shall
7 revert to the general fund unless an appropriation provides a
8 different period for expenditure.

9 B. The department of finance and administration
10 shall administer the fund to:

11 (1) provide grant disbursements pursuant to
12 Subsection J of this section; and

13 (2) fund administrative costs necessary to
14 carry out the provisions of this section, including such
15 administrative costs that are necessary to evaluate the
16 efficacy of initiatives implemented by grantees to increase the
17 available workforce of law enforcement officers; provided that
18 the amount expended for administrative costs shall not exceed
19 three percent of the total appropriations to the fund.

20 C. Disbursements from the fund shall be made on
21 warrants drawn by the secretary of finance and administration
22 pursuant to vouchers signed by the chair of the committee.

23 D. The "law enforcement workforce capacity building
24 fund committee" is created and is administratively attached to
25 the department of finance and administration. The committee

.225404.5

1 consists of the following four voting members:

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

5 (2) one member who is employed by a municipal
6 police department in the state, to be appointed by the New
7 Mexico municipal league;

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

11 (4) one member who is employed by the
12 department of finance and administration, to be appointed by
13 the secretary of finance and administration.

14 E. The committee shall elect a chair from among its
15 membership.

16 F. The committee shall:

17 (1) conduct meetings once per year or more
18 often as necessary to carry out its duties at the times and
19 locations that the committee designates;

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

22 (3) periodically review the award criteria and
23 recommend any amendments to the criteria based on the results
24 of any workload studies or evaluations of grantee initiatives;

25 (4) award grants to law enforcement agencies

.225404.5

1 as provided in Subsections J through M of this section;

2 (5) collect information about initiative
3 expenditures from grantees as provided in Subsection Q of this
4 section; and

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

7 G. A majority of the members of the committee
8 constitutes a quorum for the transaction of business.

9 H. A member of the committee shall not review or
10 vote on a proposal made by an applicant with whom the member is
11 employed. An employee of the department of public safety who
12 is not employed by the New Mexico state police division of that
13 department is not considered an employee of the New Mexico
14 state police division of that department for purposes of this
15 subsection.

16 I. Administrative and other necessary support shall
17 be provided to the committee by the department of finance and
18 administration.

19 J. The committee may allocate:

20 (1) up to twenty-five percent of the money in
21 the fund, less administrative costs as provided in Paragraph
22 (2) of Subsection B of this section and funds expended for
23 workload studies as provided in Paragraph (3) of this
24 subsection, for grants awarded to entities whose primary
25 jurisdiction is within a county having a population of at least

.225404.5

1 five hundred thousand according to the most recent federal
2 decennial census;

3 (2) up to thirty-five percent of the money in
4 the fund, less administrative costs as provided in Paragraph
5 (2) of Subsection B of this section and funds expended for
6 workload studies as provided in Paragraph (3) of this
7 subsection, for grants awarded to entities whose primary
8 jurisdiction is within a county having a population of at least
9 one hundred thousand but less than five hundred thousand
10 according to the most recent federal decennial census;

11 (3) to the department of finance and
12 administration, up to fifty thousand dollars (\$50,000) every
13 five fiscal years, to be expended in consultation with the
14 committee for workload studies, the results of which shall be
15 used by the committee to improve the structure and criteria of
16 the provisions of this section. These studies shall also
17 recommend policy or program measures to be considered by the
18 legislature; and

19 (4) any amount of available money remaining in
20 the fund for grants awarded to entities whose primary
21 jurisdiction is within a county having a population of less
22 than one hundred thousand according to the most recent federal
23 decennial census.

24 K. For purposes of Subsection J of this section, if
25 applicants whose primary jurisdictions are within different

.225404.5

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

1 counties apply jointly for a grant, the applicants, if awarded
2 a grant, would each receive an award amount based on that
3 individual applicant's county.

4 L. Any local law enforcement agency is eligible to
5 apply for a grant; provided that the agency is in compliance
6 with applicable statutory reporting requirements, including
7 those described in Subsection C of Section 29-3-11 NMSA 1978
8 and Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978.

9 M. The New Mexico state police division of the
10 department of public safety and all of its offices are eligible
11 to apply for a grant; provided that:

12 (1) the application for a grant proposes to
13 undertake initiatives in collaboration with a local law
14 enforcement agency;

15 (2) the New Mexico state police division of
16 the department of public safety is in compliance with
17 applicable statutory reporting requirements, including those
18 described in Subsection C of Section 29-3-11 NMSA 1978 and
19 Sections 29-7-7.2, 29-7C-7 and 29-7C-8 NMSA 1978; and

20 (3) for purposes of Subsection J of this
21 section, the primary jurisdiction of the New Mexico state
22 police division of the department of public safety shall be
23 based on the primary jurisdiction of the local law enforcement
24 agency with which the division or the division's office has
25 proposed to collaborate.

.225404.5

1 N. The committee shall develop grant criteria to
2 guide its determination for the awarding of a grant, and the
3 criteria shall:

4 (1) take into consideration an applicant's law
5 enforcement officer vacancy rate;

6 (2) take into consideration cost-of-living and
7 comparable market compensation for an applicant's locality;

8 (3) take into consideration crime rates in an
9 applicant's locality;

10 (4) prioritize, in its consideration, an
11 applicant's proposal for initiatives that target the
12 recruitment of candidates who are experienced law enforcement
13 officers not currently employed by a law enforcement agency
14 within the state;

15 (5) prioritize, in its consideration, an
16 applicant's proposal for initiatives to be undertaken in
17 collaboration between local law enforcement agencies with
18 overlapping jurisdiction;

19 (6) prioritize, in its consideration, law
20 enforcement agency applicants that use or intend to use
21 community-oriented policing or other evidence-based forms of
22 policing; and

23 (7) prioritize, in its consideration,
24 initiatives intended to increase agency investigative capacity,
25 including initiatives to recruit or retain investigative

.225404.5

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

1 personnel and initiatives to train existing personnel to serve
2 as investigators.

3 O. A grantee may use a grant award to:

4 (1) provide a recruitment differential
5 disbursement to newly hired law enforcement officers, including
6 a recruitment differential disbursement for relocation
7 expenses; provided that the law enforcement officer remains
8 employed as a law enforcement officer with that same law
9 enforcement agency for one additional year;

10 (2) provide a retention differential
11 disbursement to law enforcement officers already employed by
12 the applicant for the purpose of retention; provided that the
13 law enforcement officer remains employed as a law enforcement
14 officer with that same law enforcement agency for one
15 additional year;

16 (3) implement professional development
17 initiatives designed to recruit, train and retain law
18 enforcement officers, including training in community-oriented
19 policing or other evidence-based forms of policing; and

20 (4) implement campaigns to recruit in-state
21 and out-of-state candidates.

22 P. A grantee shall not use a grant:

23 (1) for recurring initiatives, except the
24 grantee may use a grant for a recurring initiative if the
25 grantee has provided a plan to replace nonrecurring funds with

.225404.5

1 recurring funds to fund that initiative; or

2 (2) to create new law enforcement officer
3 positions or fund the base salary of existing law enforcement
4 officer positions.

5 Q. A grantee shall provide to the committee within
6 ninety days of receiving a grant, and then every ninety days
7 thereafter until the earliest of either the completion of the
8 grantee's initiative or all funds are expended, a report of the
9 grantee's expenditures for the grantee's initiative. Any
10 unexpended money remaining after the completion of the
11 grantee's initiative shall revert to the fund within sixty days
12 of completion of the initiative.

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

17 (1) applicant information, including
18 information about the applicant agency, the grant amount
19 requested and the title and description of the applicant's
20 proposed initiative;

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;

25 (3) data collected and evaluations made by the

.225404.5

1 department of finance and administration about the efficacy of
2 the initiatives of prior award recipients; and

3 (4) the status of any ongoing workload studies
4 and the results of any workload studies completed since the
5 time of the prior report.

6 S. As used in this section:

7 (1) "committee" means the law enforcement
8 workforce capacity building fund committee;

9 (2) "fund" means the law enforcement workforce
10 capacity building fund;

11 (3) "law enforcement agency" means a municipal
12 police department, a county sheriff's office or the New Mexico
13 state police division of the department of public safety;

14 (4) "law enforcement officer" means a
15 certified full- or part-time salaried public employee of a
16 municipal police department, a county sheriff's office or the
17 New Mexico state police division of the department of public
18 safety; and

19 (5) "local law enforcement agency" means a
20 municipal police department or county sheriff's office."

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

23 "9-6-18. [NEW MATERIAL] PUBLIC ATTORNEY WORKFORCE
24 CAPACITY BUILDING FUND CREATED--PUBLIC ATTORNEY WORKFORCE
25 CAPACITY BUILDING FUND COMMITTEE--ADMINISTRATION--GRANT

.225404.5

1 CRITERIA.--

2 A. The "public attorney workforce capacity building
3 fund" is created in the state treasury to support efforts to
4 increase the available workforce of public defenders and
5 prosecutors, including initiatives to recruit and retain public
6 defenders and prosecutors. The fund consists of
7 appropriations, gifts, grants and donations. Any unexpended or
8 unencumbered balance remaining in the fund at the end of a
9 fiscal year shall revert to the general fund unless an
10 appropriation provides a different period for expenditure.

11 B. The department of finance and administration
12 shall administer the fund to:

13 (1) provide grant disbursements pursuant to
14 Subsection I of this section;

15 (2) fund administrative costs necessary to
16 carry out the provisions of this section, including such
17 administrative costs that are necessary to evaluate the
18 efficacy of initiatives implemented by grantees to increase the
19 available workforce of public defenders and prosecutors;
20 provided that the amount expended for administrative costs
21 shall not exceed three percent of the total appropriations to
22 the fund; and

23 (3) fund statewide initiatives to increase the
24 available workforce of public defenders and prosecutors
25 undertaken by the public defender department or the

.225404.5

1 administrative office of the district attorneys or in
2 collaboration between both agencies, as approved by the
3 committee; provided that the amount expended shall not exceed
4 five percent of the total appropriations to the fund.

5 C. Disbursements from the fund shall be made on
6 warrants drawn by the secretary of finance and administration
7 pursuant to vouchers signed by the chair of the committee.

8 D. The "public attorney workforce capacity building
9 fund committee" is created and is administratively attached to
10 the department of finance and administration. The committee
11 consists of the following four voting members:

12 (1) two members who are employed by the
13 administrative division of the public defender department, to
14 be appointed by the chief public defender; and

15 (2) two members who are employed by the
16 administrative office of the district attorneys, to be
17 appointed by the director of the administrative office of the
18 district attorneys.

19 E. The committee shall elect a chair from among its
20 membership.

21 F. The committee shall:

22 (1) conduct meetings once per year or more
23 often as necessary to carry out its duties at the times and
24 locations that the committee designates;

25 (2) develop criteria for the awarding of

1 grants as provided in Subsection K of this section;

2 (3) periodically review the award criteria and
3 recommend any amendments to the criteria based on the results
4 of any workload studies or evaluations of grantee initiatives;

5 (4) award grants to local offices of the
6 public defender and local district attorney offices as provided
7 in Subsection I of this section;

8 (5) review and approve proposals for statewide
9 initiatives as provided in Paragraph (3) of Subsection B of
10 this section;

11 (6) collect information about initiative
12 expenditures from grantees as provided in Subsection N of this
13 section; and

14 (7) report applicant and grantee information
15 as provided in Subsection O of this section.

16 G. A majority of the members of the committee
17 constitutes a quorum for the transaction of business.

18 H. Administrative and other necessary support shall
19 be provided to the committee by the department of finance and
20 administration.

21 I. The committee may allocate:

22 (1) up to twenty-five percent of the money in
23 the fund, less administrative costs as provided in Paragraph

24 (2) of Subsection B of this section, funds expended for
25 statewide initiatives as provided in Paragraph (3) of

.225404.5

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

1 Subsection B of this section and funds expended for workload
2 studies as provided in Paragraph (3) of this subsection, for
3 grants awarded to entities whose primary jurisdiction is within
4 a judicial district having a population of at least five
5 hundred thousand according to the most recent federal decennial
6 census;

7 (2) up to twenty-six percent of the money in
8 the fund, less administrative costs as provided in Paragraph
9 (2) of Subsection B of this section, funds expended for
10 statewide initiatives as provided in Paragraph (3) of
11 Subsection B of this section and funds expended for workload
12 studies as provided in Paragraph (3) of this subsection, for
13 grants awarded to entities whose primary jurisdiction is within
14 a judicial district having a population of at least two hundred
15 fifteen thousand but less than five hundred thousand according
16 to the most recent federal decennial census;

17 (3) to the public defender department or the
18 administrative office of the district attorneys, up to fifty
19 thousand dollars (\$50,000) every five fiscal years for workload
20 studies, the results of which shall be used by the committee to
21 improve the structure and criteria of the provisions of this
22 section. These studies shall also recommend policy or program
23 measures to be considered by the legislature; and

24 (4) any amount of available money remaining in
25 the fund for grants awarded to entities whose primary

.225404.5

1 jurisdiction is within a judicial district having a population
2 of less than two hundred fifteen according to the most recent
3 federal decennial census.

4 J. For purposes of Subsection I of this section, if
5 applicants whose primary jurisdictions are within different
6 judicial districts apply jointly for a grant, the applicants,
7 if awarded a grant, would each receive an award amount based on
8 that individual applicant's judicial district.

9 K. The committee shall develop grant criteria to
10 guide its determination for the awarding of a grant, and the
11 criteria shall:

12 (1) take into consideration an applicant's
13 attorney vacancy rate;

14 (2) take into consideration an applicant's
15 attorney caseload;

16 (3) take into consideration cost-of-living and
17 comparable market compensation for an applicant's locality;

18 (4) take into consideration crime rates in an
19 applicant's locality;

20 (5) take into consideration the number of
21 attorneys employed by an applicant;

22 (6) prioritize, in its consideration, an
23 applicant's proposal for initiatives that target the
24 recruitment of candidates who are law school students,
25 attorneys who are not currently employed or contracted by the

.225404.5

1 state or attorneys who are not currently employed in New
2 Mexico;

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

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

12 L. A grantee may use a grant award to:

13 (1) provide a recruitment differential
14 disbursement to newly hired attorneys, including a recruitment
15 differential disbursement for relocation expenses; provided
16 that the attorney remains employed as an attorney with that
17 same agency for one additional year;

18 (2) provide a retention differential
19 disbursement to attorneys already employed by the applicant;
20 provided that the attorney remains employed as an attorney with
21 that same agency for one additional year;

22 (3) implement professional development
23 initiatives designed to recruit, train and retain attorneys;
24 and

25 (4) implement campaigns to recruit in-state

.225404.5

1 and out-of-state candidates.

2 M. A grantee shall not use a grant:

3 (1) for recurring initiatives, except the
4 grantee may use a grant for a recurring initiative if the
5 grantee has provided a plan to replace nonrecurring funds with
6 recurring funds to fund that initiative;

7 (2) to create new attorney positions or fund
8 the base salary of existing attorney positions; or

9 (3) to contract with private attorneys for
10 prosecution or defense services, except if the initiative is
11 focused on increasing the number or capacity of private
12 attorneys available to provide prosecution or defense services
13 in a county or judicial district.

14 N. A grantee shall provide to the committee within
15 ninety days of receiving a grant, and then every ninety days
16 thereafter until the earliest of either the completion of the
17 grantee's initiative or all funds are expended, a report of the
18 grantee's expenditures for the grantee's initiative. Any
19 unexpended money remaining after the completion of the
20 grantee's initiative shall revert to the fund within sixty days
21 of completion of the initiative.

22 O. The committee shall provide at least one annual
23 report by November 1 of each fiscal year to the department of
24 finance and administration and the legislative finance
25 committee that contains:

.225404.5

1 (1) applicant information, including
2 information about the applicant agency, the grant amount
3 requested and the title and description of the applicant's
4 proposed initiative;

5 (2) individual grantee information, including
6 information about the grantee's judicial district location, the
7 grant amount awarded and the title and description of the
8 grantee's initiative;

9 (3) data collected and evaluations made by the
10 department of finance and administration about the efficacy of
11 the initiatives of prior award recipients; and

12 (4) the status of any ongoing workload studies
13 and the results of any workload studies completed since the
14 time of the prior report.

15 P. As used in this section:

16 (1) "committee" means the public attorney
17 workforce capacity building fund committee; and

18 (2) "fund" means the public attorney workforce
19 capacity building fund."

20 SECTION 3. A new Section 9-6-19 NMSA 1978 is enacted to
21 read:

22 "9-6-19. [NEW MATERIAL] DETENTION AND CORRECTIONS
23 WORKFORCE CAPACITY BUILDING FUND--DETENTION AND CORRECTIONS
24 WORKFORCE CAPACITY BUILDING FUND COMMITTEE--ADMINISTRATION--
25 DISTRIBUTION OF FUNDS--GRANT CRITERIA.--

.225404.5

1 A. The "detention and corrections workforce
2 capacity building fund" is created in the state treasury to
3 support efforts to increase the available workforce of
4 detention officers, including initiatives to recruit and retain
5 high-quality detention officers. The fund consists of
6 appropriations, gifts, grants and donations. Any unexpended or
7 unencumbered balance remaining in the fund at the end of a
8 fiscal year shall revert to the general fund unless an
9 appropriation provides a different period for expenditure.

10 B. The department of finance and administration
11 shall administer the fund to:

12 (1) provide grant disbursements pursuant to
13 Subsection J of this section; and

14 (2) fund administrative costs necessary to
15 carry out the provisions of this section, including such
16 administrative costs that are necessary to evaluate the
17 efficacy of initiatives implemented by grantees to increase the
18 available workforce of detention officers; provided that the
19 amount expended for administrative costs shall not exceed three
20 percent of the total appropriations to the fund.

21 C. 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 committee.

24 D. The "detention and corrections workforce
25 capacity building fund committee" is created and is

.225404.5

1 administratively attached to the department of finance and
2 administration. The committee consists of the following four
3 voting members:

4 (1) one member who is employed by the
5 corrections department, to be appointed by the secretary of
6 corrections;

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

10 (3) one member who is the county manager of a
11 county government in the state that operates a local jail, to
12 be appointed by the New Mexico association of counties; and

13 (4) one member who is employed by the
14 department of finance and administration, to be appointed by
15 the secretary of finance and administration.

16 E. The committee shall elect a chair from among its
17 membership.

18 F. The committee shall:

19 (1) conduct meetings once per year or more
20 often as necessary to carry out its duties at the times and
21 locations that the committee designates;

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

24 (3) periodically review the award criteria and
25 recommend any amendments to the criteria based on the results

.225404.5

1 of any workload studies or evaluations of grantee initiatives;

2 (4) award grants to detention facilities as
3 provided in Subsections J through M of this section;

4 (5) collect information about initiative
5 expenditures from grantees as provided in Subsection Q of this
6 section; and

7 (6) report applicant and grantee information
8 as provided in Subsection R of this section.

9 G. A majority of the members of the committee
10 constitutes a quorum for the transaction of business.

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

14 I. Administrative and other necessary support shall
15 be provided to the committee by the department of finance and
16 administration.

17 J. The committee may allocate:

18 (1) up to twenty-eight percent of the money in
19 the fund, less administrative costs as provided in Paragraph
20 (2) of Subsection B of this section and funds expended for
21 workload studies as provided in Paragraph (2) of this
22 subsection, for grants awarded to entities located within a
23 county having a population of at least five hundred thousand
24 according to the most recent federal decennial census;

25 (2) to the department of finance and

.225404.5

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

1 administration, up to fifty thousand dollars (\$50,000) every
2 five fiscal years, to be expended in consultation with the
3 committee for workload and workforce studies, including studies
4 of retention and hiring challenges, the results of which shall
5 be used by the committee to improve the structure and criteria
6 of the provisions of this section. These studies shall also
7 recommend policy or program measures to be considered by the
8 legislature; and

9 (3) any amount of available money remaining in
10 the fund for grants awarded to entities located within a county
11 having a population of less than five hundred thousand
12 according to the most recent federal decennial census.

13 K. For purposes of Subsection J of this section, if
14 applicants located within different counties apply jointly for
15 a grant, the applicants, if awarded a grant, would each receive
16 an award amount based on that individual applicant's county.

17 L. Any local jail is eligible to apply for a grant;
18 provided that the local jail is in compliance with applicable
19 statutory reporting requirements, including those described in
20 Sections 33-3-4 and 33-16-5 NMSA 1978.

21 M. The corrections department and all of its
22 corrections facilities are eligible to apply for a grant;
23 provided that:

24 (1) the application for a grant proposes to
25 undertake initiatives in collaboration with a local jail;

.225404.5

1 (2) the corrections department is in
2 compliance with applicable statutory reporting requirements,
3 including those described in Subsection F of Section 31-20-2
4 NMSA 1978, Subsection C of Section 33-15-3 and Sections 9-3-9,
5 33-9-10 and 33-16-5 NMSA 1978, and all reporting requirements
6 for appropriations that have not been fully expended by the
7 department and have not reverted to the general fund or any
8 other fund; and

9 (3) for purposes of Subsection J of this
10 section, the primary jurisdiction of the corrections department
11 or corrections facility shall be based on the primary
12 jurisdiction of the local jail with which the department or the
13 corrections facility has proposed to collaborate.

14 N. The committee shall develop grant criteria to
15 guide its determination for the awarding of a grant, and the
16 criteria shall:

17 (1) take into consideration an applicant's
18 detention officer vacancy rate;

19 (2) take into consideration cost-of-living and
20 comparable market compensation for an applicant's locality;

21 (3) take into consideration an applicant's
22 average daily inmate population over the most recent fiscal
23 year;

24 (4) take into consideration the ratio of an
25 applicant's number of employed detention officers to the

.225404.5

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

1 average daily inmate population over the most recent fiscal
2 year;

3 (5) prioritize, in its consideration, an
4 applicant's proposal for initiatives that target the
5 recruitment of candidates who are experienced detention
6 officers not currently employed by a local jail within the
7 state or the corrections department;

8 (6) prioritize, in its consideration, an
9 applicant's proposal for initiatives to be undertaken in
10 collaboration between local jails and between one or more local
11 jails and the corrections department; and

12 (7) prioritize, in its consideration, an
13 applicant that provides detention services to two or more
14 counties.

15 0. A grantee may use a grant award to:

16 (1) provide a recruitment differential
17 disbursement to newly hired detention officers, including a
18 recruitment differential disbursement for relocation expenses;
19 provided that the detention officer remains employed as a
20 detention officer with that same local jail or the corrections
21 department for one additional year;

22 (2) provide a retention differential
23 disbursement to detention officers already employed by the
24 applicant for the purpose of retention; provided that the
25 detention officer remains employed as a detention officer with

.225404.5

1 that same local jail or the corrections department for one
2 additional year;

3 (3) implement professional development
4 initiatives designed to recruit, train and retain detention
5 officers, including tuition reimbursement and developing and
6 conducting a core training academy for detention officers
7 employed by local jails in collaboration with the corrections
8 department or the department of public safety; and

9 (4) implement campaigns to recruit in-state
10 and out-of-state candidates.

11 P. A grantee shall not use a grant:

12 (1) for recurring initiatives, except the
13 grantee may use a grant for a recurring initiative if the
14 grantee has provided a plan to replace nonrecurring funds with
15 recurring funds to fund that initiative; or

16 (2) to create new detention officer positions
17 or fund the base salary of existing detention officer
18 positions.

19 Q. A grantee shall provide to the committee within
20 ninety days of receiving a grant, and then every ninety days
21 thereafter until the earliest of either the completion of the
22 grantee's initiative or all funds are expended, a report of the
23 grantee's expenditures for the grantee's initiative. Any
24 unexpended money remaining after the completion of the
25 grantee's initiative shall revert to the fund within sixty days

.225404.5

1 of completion of the initiative.

2 R. 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) applicant information, including
7 information about the applicant detention facility, the grant
8 amount requested and the title and description of the
9 applicant's proposed initiative;

10 (2) individual grantee information, including
11 information about the grantee's detention facility, the grant
12 amount awarded and the title and description of the grantee's
13 initiative;

14 (3) data collected and evaluations made by the
15 department of finance and administration about the efficacy of
16 the initiatives of prior award recipients; and

17 (4) the status of any ongoing workload studies
18 and the results of any workload studies completed since the
19 time of the prior report.

20 S. As used in this section:

21 (1) "committee" means the detention and
22 corrections workforce capacity building fund committee;

23 (2) "corrections facility" means any facility
24 or program controlled or operated by the state or any of its
25 agencies or departments and supported wholly or in part by

.225404.5

1 state funds for the correctional care of persons, including the
2 penitentiary of New Mexico, which consists of the penitentiary
3 of Santa Fe and other places in the state designated by the
4 secretary of corrections, but not including a facility operated
5 by a private independent contractor pursuant to an agreement
6 with the corrections department;

7 (3) "detention facility" means a local jail or
8 corrections facility;

9 (4) "detention officer" means any employee of
10 the corrections department or a local jail who has inmate
11 custodial responsibilities;

12 (5) "fund" means the detention and corrections
13 workforce capacity building fund; and

14 (6) "local jail" means a facility operated by
15 a county, municipality or combination of such local governments
16 and used for the confinement of persons charged with or
17 convicted of a violation of a law or ordinance, but does not
18 include a facility operated by a private independent contractor
19 pursuant to an agreement with a county, municipality or
20 combination of such local governments."

21 SECTION 4. REPEAL.--Section 9-6-5.3 NMSA 1978 (being Laws
22 2022, Chapter 56, Section 1) is repealed.