

HOUSE BILL 404

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

INTRODUCED BY

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AN ACT

RELATING TO CRIME; ENACTING THE VIOLENCE INTERVENTION PROGRAM  
ACT; CREATING THE VIOLENCE INTERVENTION PROGRAM FUND;  
ESTABLISHING APPLICATION AND REPORTING REQUIREMENTS; MAKING AN  
APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Violence Intervention Program Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Violence Intervention Program Act:

A. "commission" means the New Mexico sentencing  
commission;

B. "community-based service provider" means an  
entity that is eligible to be awarded a contract to provide  
services that accomplish the purposes of the Violence

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1 Intervention Program Act;

2 C. "department" means the department of health; and

3 D. "grantee" means a state agency, county,  
4 municipality or tribal government that has applied for and  
5 received funding pursuant to the Violence Intervention Program  
6 Act for the purposes of addressing gun violence and aggravated  
7 assaults in a locally focused geographic area.

8 SECTION 3. ~~[NEW MATERIAL]~~ VIOLENCE INTERVENTION PROGRAM

9 FUND--CREATED--PURPOSE.--The "violence intervention program  
10 fund" is created as a nonreverting fund in the state treasury.

11 The fund consists of appropriations, gifts, grants and  
12 donations. The department shall administer the fund, and money  
13 in the fund is appropriated to the department to administer the  
14 provisions of the Violence Intervention Program Act and award  
15 violence intervention program grants to state agencies,  
16 counties, municipalities or tribal governments that the  
17 department finds are disproportionately impacted by violent  
18 crimes, including homicides, shootings and aggravated assaults.

19 Expenditures from the fund shall be made on warrant of the  
20 secretary of finance and administration pursuant to vouchers  
21 signed by the secretary of health. The department may expend  
22 no more than three percent of the balance of the fund each  
23 fiscal year for administering the Violence Intervention Program  
24 Act. No money in the fund may be expended in any way except as  
25 provided by the Violence Intervention Program Act.

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1           SECTION 4.   ~~[NEW MATERIAL]~~ VIOLENCE INTERVENTION PROGRAM

2   REQUIREMENTS.--A violence intervention program shall:

3           A.   use an evidence- or research-based public health  
4   approach to reduce gun violence and aggravated assaults,  
5   including approaches that expand upon existing evidence- and  
6   research-based approaches;

7           B.   use focused deterrence, problem-oriented  
8   policing and proven strategies to reduce gun violence and  
9   aggravated assaults;

10          C.   target a population that is at high risk for  
11   victimization or retaliation that results from gun violence or  
12   aggravated assault through engaging in the cycles of violence  
13   in the community;

14          D.   use data-driven methods for program development  
15   or methods that offer the potential to expand upon known  
16   methods of violence intervention; and

17          E.   use program funding in a manner that is directly  
18   related to the reduction of gun violence and aggravated  
19   assaults.

20           SECTION 5.   ~~[NEW MATERIAL]~~ GRANT AWARDS.--

21           A.   On or after July 1, 2023, the department shall  
22   receive and review applications for grants from the violence  
23   intervention program fund.  The department may make grants from  
24   the fund to state agencies, counties, municipalities or tribal  
25   governments that the department finds are disproportionately

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1 impacted by violent crimes, including homicides, shootings and  
2 aggravated assaults.

3 B. The department shall make awards of grants from  
4 the fund in accordance with the following limitations:

5 (1) grant awards shall be made to at least two  
6 counties, municipalities or tribal governments with a  
7 population of fifty thousand or less according to the most  
8 recent annual university of New Mexico intercensal population  
9 estimate;

10 (2) at least forty percent of the total annual  
11 amount appropriated to the fund shall be awarded to counties or  
12 municipalities with a population of five hundred forty thousand  
13 or greater according to the most recent federal decennial  
14 census; and

15 (3) the department of health shall utilize the  
16 funds in accordance with department of finance and  
17 administration guidelines.

18 SECTION 6. [NEW MATERIAL] APPLICATION REQUIREMENTS.--

19 A. Each application for a grant from the violence  
20 intervention program fund shall include:

21 (1) clearly defined, measurable objectives for  
22 a proposal to improve public health and safety through  
23 evidence-based violence reduction interventions;

24 (2) a comprehensive violence reduction  
25 strategic plan, including consistent quality improvement and

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1 quality assurance measures, and a description of the strategies  
2 and tasks developed by a state agency, county, municipality or  
3 tribal government describing the goals of the plan, including  
4 community-based services or joint community-based services and  
5 law enforcement intervention strategies;

6 (3) a description of how a grant award would  
7 be used if awarded; and

8 (4) a list of community-based service  
9 providers in the locally focused geographic area in which the  
10 grant funds would be used, including those with an expressed  
11 commitment to participating in a violence intervention program.

12 B. The commission shall provide state agencies,  
13 counties, municipalities and tribal governments with data  
14 relevant to grant applications.

15 C. An applicant shall notify the appropriate  
16 criminal justice coordinating council established pursuant to  
17 Section 31-28-3 NMSA 1978 of its grant application.

18 SECTION 7. [NEW MATERIAL] CONDITIONS OF GRANT.--

19 A. As a condition of each grant made pursuant to  
20 the Violence Intervention Program Act, the department shall  
21 require each grantee to use at least seventy-five percent of  
22 its grant for the purpose of entering into contracts with one  
23 or more community-based service providers, of which at least  
24 fifty percent shall be community-based service providers with  
25 seven or fewer total employees.

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1           B. Each grantee shall report to the appropriate  
2 criminal justice coordinating council established pursuant to  
3 Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

4           **SECTION 8. [NEW MATERIAL] RULES.--**The department shall  
5 adopt rules necessary to administer the provisions of the  
6 Violence Intervention Program Act, including standardized rules  
7 pertaining to the collection and sharing of data by grantees.

8           **SECTION 9. [NEW MATERIAL] REPORTS.--**

9           A. Each grantee shall report to the department and  
10 the commission by November 1 of each year regarding the:

11                   (1) purpose and amount of each grant received  
12 by the grantee for the previous fiscal year; and

13                   (2) processes, outputs and outcomes resulting  
14 from each grant approved by the department for the previous  
15 fiscal year, including relevant data as required by department  
16 rules.

17           B. Each year through 2027, the department and the  
18 commission shall report to the legislature by December 1  
19 regarding the awards and outcomes of each grantee.

20           **SECTION 10. APPROPRIATION.--**Fifteen million dollars  
21 (\$15,000,000) is appropriated from the general fund to the  
22 violence intervention program fund for expenditure in fiscal  
23 year 2024 and subsequent fiscal years for the purposes of the  
24 fund. Any unexpended or unencumbered balance remaining at the  
25 end of a fiscal year shall not revert to the general fund.

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