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FISCAL IMPACT REPORT

SPONSOR Pinto/Lopez LAST UPDATED _____
ORIGINAL DATE 2/15/2023
SHORT TITLE Indigenous People Crime Victim BILL _____
Reparations NUMBER Senate Bill 414
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
CVRC	Indeterminate but moderate	Indeterminate but moderate	Indeterminate but moderate	Indeterminate but moderate	Recurring	General Fund/Federal Funds/OSF

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From
Indian Affairs Department (IAD)

SUMMARY

Synopsis of Senate Bill 414

Senate Bill 414 (SB414) amends Section 31-22-7 NMSA 1978 to make missing or murdered indigenous people (MMIP) or their dependents eligible for reparations under the Crime Victims Reparation Act. To qualify, an Indigenous person must be a missing person under the Missing Persons Information and Reporting Act or the victim of a murder pending investigation by law enforcement, the district attorney, or the Attorney General.

The effective date of this bill is July 1, 2023.

FISCAL IMPLICATIONS

The Crime Victims Reparation Commission (CVRC) assists victims of violent crime by reimbursing certain expenses related to the crime and by making distributions of federal grants for victim assistance. Victim eligibility for reparation awards, limits on the award per victim, and required deductions for payments received from collateral sources are specified in law.

CVRC addresses victim needs in two ways: by providing direct compensation to crime victims for necessary services and expenses and by funding programs that provide free services to

victims.

The agency's FY24 budget request increased general fund revenue for victim compensation to account for anticipated increases in compensation payments and reduced revenues from crime victims' reparation fees and inmate wages, which made up 56 percent of funds used for victim compensation payments. The agency has experienced a substantial increase in the number of applications for direct funding to date and anticipates compensation needs will continue to rise. CVRC has previously used crime victims reparation fund balance to supplement reduced revenues but has largely depleted its fund balance, making such a practice unsustainable going forward.

SIGNIFICANT ISSUES

IAD explained that Native American women face extremely high rates of violence, an epidemic marked by the lack of data around the number of women missing or murdered in and outside of reservations. Over 5,700 American Indian and Alaska Native women and girls were reported missing as of 2016, according to the National Crime Information Center, but only 116 cases were lodged with the U.S. Department of Justice. Eighty-four percent of Native women experience violence in their lifetime, according to the National Institute of Justice. A 2008 study found that women in some tribal communities are 10 times more likely to be murdered than the national average.

In 2019, legislation established the Missing and Murdered Indigenous Women Task Force Act. The task force reported its finding and recommendations to the governor, the Legislative Council Service library, and the appropriate legislative committees.

On May 5, 2021, the governor signed Executive Order 2021-013, which establishes the next phase of the task force. The task force is composed of representatives from across tribal nations, including state legislators and community partners. The task force will collaborate with tribal governments, tribal law enforcement, and the U.S. Department of Justice to determine how to address this crisis by creating partnerships and improving processes for reporting and investigating cases while supporting families and communities with resources.

OTHER SUBSTANTIVE ISSUES

Tribal nations throughout the state share geographical and political borders that create barriers to public safety when relatives go missing on tribal and non-tribal land.

IAD included the following comment:

A report by Brooke de Heer et al, found that approximately 54 percent of respondents said that resources for crime victims were available in their community and 60 percent said they knew how to go about contacting those resources. Conversely, 37 percent said they did not know if their community had resources for crime victims and 40 percent said they did not know or were unsure of how to contact those resources. In an April 2021 report, the National District Attorneys Association provided 13 best practices for those who work with victims of crime. Many of the practices target system reform and victim-centered approaches. It is paramount that the needs and safety of the victim remain central throughout the process.

AHO/mg/hg/mg