

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date Jan 22

Bill No: HB 156

Sponsor: Rep Rehm
Short Juvenile Detention Facility
Title: Segregation

Agency Name
and Code CYFD / 690
Number: _____
Person Writing Julie Sakura
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	-0-		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill amends existing statute to require juvenile detention centers to ensure that detained youth aged 14 years and under are kept separated, both sight and sound, from detained youth aged 15 years and older.

FISCAL IMPLICATIONS

CYFD certifies juvenile detention centers that operate within New Mexico. The fiscal implications to CYFD for new certification requirements can be absorbed by existing resources.

SIGNIFICANT ISSUES

Currently, sight and sound separation of populations in detention centers is required to keep separate detained youth aged 17 and younger from detained adults aged 18 and older. Requiring a sight and sound separation within the juvenile population of these centers will place undue hardship on detention facilities statewide, both adult and juvenile. The existing physical structure of the juvenile facilities currently in operation cannot support this sight and sound separation. Additionally, due to staffing patterns and housing of co-defendants, trying to maintain separation will present several logistical issues.

There are four (4) juvenile detention facilities currently in operation (down from twelve (12) in 2014). These centers are owned and operated by the local counties and certified by the state (CYFD). All costs incurred by detaining youth and maintaining those facilities are absorbed by the county that houses the facilities.

This legislation requires the remodeling of all existing juvenile detention facilities to ensure sight and sound separation within the facility based on age; and sight, sound, and physical separation between male and female detainees.

As of January 16, 2024, of the 122 youth detained in county juvenile detention centers statewide, 18 youth in three facilities would be affected. These three facilities would need a minimum of three additional separate pods – one pod for male detainees aged 14 or younger; one pod for female detainees aged 15 and older; and the third pod for female detainees aged 14 and under.

Additionally, each pod must be staffed according to required client staff ratios as defined in NMAC 8.14.14.14.B. Given current staffing patterns within the juvenile detention centers statewide, it is unlikely that the facilities can make the necessary adjustments to housing these youth separately without reducing their overall capacity.

Apart from facility certification, CYFD Juvenile Probation Officers (JPOs) are responsible for authorizing detention on alleged delinquent youth should they meet detention criteria. Although JPOs are not responsible for locating a facility with availability to detain the youth, they routinely do this as a courtesy for local law enforcement. With the decline in facilities statewide there are serious issues regarding bed space availability for detained youth. While there is adequate facility capacity to detain youth statewide, all the detention facilities have reported staffing issues that have reduced the number of available beds. This legislation will result in additional limits on existing capacity as the facilities will need to reconfigure staffing patterns to staff the new pods to ensure compliance with staffing standards. These additional limits will lead to youth not being detained due to a lack of availability in the detention centers.

PERFORMANCE IMPLICATIONS

The performance implications for CYFD of amending regulation and procedure to include confirming adequate physical and staffing capacity for maintaining an age-based sight and sound separation within the detained juvenile population can be absorbed by existing resources.

The performance implications for CYFD due to JPO inability to locate a bed for a youth whose detention has been authorized will be negative. Inability to locate space will have one of two results: either the youth is released back into the community; or, if their behaviors are too severe for community release, the youth may be turned over to CYFD's Protective Services Division, which has the potential to increase the number of youth in office stays.

ADMINISTRATIVE IMPLICATIONS

See Performance and Fiscal Implications. CYFD can absorb the administrative implications for amending regulation and procedure. CYFD may not be able to absorb the administrative implications of a reduction of detention beds for juveniles.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

“Sight and sound separation” is not defined in this bill. Under the JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 SIGHT OR SOUND CONTACT | [34 U.S.C. § 11103 \(25\)](#), “sight and sound separation” means any physical, clear visual, or verbal contact that is not brief and inadvertent. The Office of Juvenile Justice and Delinquency Prevention has advised that inadvertent includes that a pattern cannot exist. Example: Walking a juvenile past an area with adult inmates may be brief, but would not be considered inadvertent if that is the primary route for juveniles in the facility.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.