

1 HOUSE BILL 255

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson and Antonio Maestas and Art De La Cruz
5 and Anita Gonzales
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10 AN ACT

11 RELATING TO CHILDREN; RENAMING THE "JUVENILE COMMUNITY
12 CORRECTIONS ACT" TO THE "JUVENILE COMMUNITY CONNECTIONS ACT";
13 AMENDING THE JUVENILE COMMUNITY CONNECTIONS ACT; PROVIDING THAT
14 MONEY IN THE JUVENILE COMMUNITY CONNECTIONS FUND MAY BE USED TO
15 OPERATE PROGRAMS THAT PROVIDE SERVICES FOR ADJUDICATED
16 DELINQUENTS, CHILDREN OR YOUTH; ESTABLISHING A LOCAL PANEL TO
17 DETERMINE THE NEXT STEPS OF A DELINQUENT SENTENCED TO A
18 JUVENILE FACILITY.
19

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

21 SECTION 1. Section 33-9A-1 NMSA 1978 (being Laws 1988,
22 Chapter 101, Section 39, as amended) is amended to read:

23 "33-9A-1. SHORT TITLE.--Chapter 33, Article 9A NMSA 1978
24 may be cited as the "Juvenile Community [~~Corrections~~
25 Connections Act"."

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1 SECTION 2. Section 33-9A-2 NMSA 1978 (being Laws 1988,
2 Chapter 101, Section 40, as amended) is amended to read:

3 "33-9A-2. DEFINITIONS.--As used in the Juvenile Community
4 [~~Corrections~~] Connections Act:

5 A. "child" means a person who is less than eighteen
6 years old;

7 [~~A.~~] B. "delinquent" means a child adjudicated
8 delinquent pursuant to the Children's Code;

9 [~~B.~~] C. "department" means the children, youth and
10 families department;

11 [~~C.~~] D. "fund" means the juvenile community
12 [~~corrections~~] connections grant fund;

13 [~~D.~~] E. "secretary" means the secretary of
14 children, youth and families; [~~and~~

15 E.] F. "volunteer services" means services provided
16 by individuals or organizations without compensation,
17 reimbursement or award of any type; and

18 G. "youth" means a person who is eighteen years or
19 older but less than twenty-six years old."

20 SECTION 3. Section 33-9A-3 NMSA 1978 (being Laws 1988,
21 Chapter 101, Section 41, as amended) is amended to read:

22 "33-9A-3. JUVENILE COMMUNITY [~~CORRECTIONS~~] CONNECTIONS
23 GRANT FUND CREATED--PURPOSE--ADMINISTRATION--REPORT.--

24 A. There is created in the state treasury the
25 "juvenile community [~~corrections~~] connections grant fund" to be
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1 administered by the department. All balances in the fund are
2 appropriated to the department to carry out the purposes of the
3 fund, and no money shall be transferred to another fund or be
4 encumbered or disbursed in any manner except as provided in the
5 Juvenile Community [~~Corrections~~] Connections Act.

6 Disbursements from the fund shall be made only upon warrant
7 drawn by the secretary of finance and administration pursuant
8 to vouchers signed by the secretary of children, youth and
9 families.

10 B. Money in the fund shall be used by the
11 department to make grants to counties, municipalities or
12 private organizations, individually or jointly, to provide
13 community [~~corrections~~] programs and services for the diversion
14 of adjudicated delinquents or children or youth referred by the
15 department to community-based settings. No grant shall be made
16 to a private organization that is not a nonprofit organization
17 without the approval of the secretary. The department may also
18 use money in the fund to contract directly for or operate
19 [~~juvenile community corrections~~] programs that provide services
20 for adjudicated delinquents or children or youth referred by
21 the department.

22 C. No more than [~~ten~~] twelve percent of the money
23 in the fund shall be used by the department for administration
24 and program monitoring by the department. No more than [~~ten~~]
25 twelve percent of any grant from the fund shall be used for

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1 administrative costs incurred by the grantee.

2 D. After notice and public hearing as required by
3 law, the secretary shall adopt [~~regulations~~] rules that provide
4 standards for qualifications for grants, priorities for
5 awarding of grants and other standards regarding [~~juvenile~~
6 ~~community corrections~~] programs [~~deemed necessary~~] that provide
7 services for adjudicated delinquents or children or youth
8 referred by the department. The department shall review and
9 approve or disapprove all applications submitted pursuant to
10 the Juvenile Community [~~Corrections~~] Connections Act for a
11 grant of funds from the fund.

12 E. The department shall submit an annual report to
13 the governor and legislature not later than December 15
14 providing information on grant awards, program effectiveness
15 and monitoring efforts and making recommendations as necessary
16 to carry out the purpose of the fund.

17 F. The department may accept donations, payments,
18 contributions, gifts or grants from whatever source for the
19 benefit of the fund."

20 SECTION 4. Section 33-9A-4 NMSA 1978 (being Laws 1988,
21 Chapter 101, Section 42, as amended) is amended to read:

22 "33-9A-4. APPLICATIONS--CRITERIA.--

23 A. Counties, municipalities or private
24 organizations, individually or jointly, may apply for grants
25 from the fund, including grants for counties or municipalities

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1 to purchase contractual services from private organizations;
2 provided that:

3 (1) the application is for funding a program
4 with priority use being for [~~delinquents selected pursuant to~~
5 ~~the provisions of Section 33-9A-5 NMSA 1978~~] children and youth
6 to provide prevention, intervention and diversion services;

7 (2) the applicant certifies that [~~it~~] the
8 applicant is willing and able to operate the program according
9 to standards provided by the department, which may include the
10 negotiation of a [~~contract~~] program agreement or service
11 agreement between the [~~delinquent~~] child or youth and program
12 staff with provisions such as deductions from employment income
13 for applicable victim restitution, family support, room and
14 board, savings and weekly allowance. In addition to monetary
15 restitution, to the extent practical, or if monetary
16 restitution is not applicable, the [~~contract~~] program agreement
17 or service agreement may include provision for community
18 service restitution for a specific number of hours;

19 (3) the applicant demonstrates the support of
20 key components of [~~the criminal justice system~~] prevention,
21 intervention and diversion;

22 (4) the applicant, if a private organization,
23 demonstrates the support of the county and municipality where
24 the program will provide services;

25 (5) the applicant certifies that it will

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1 utilize volunteer services as an integral portion of the
2 program to the maximum extent feasible; and

3 (6) no class A county alone or in conjunction
4 with any municipality within a class A county shall receive
5 more than forty-nine percent of any money appropriated to the
6 fund.

7 B. Notwithstanding the provisions of Subsection A
8 of this section, the department may utilize the fund to place
9 individuals eligible, or within twelve months of eligibility,
10 for ~~[parole]~~ supervised release in community-based settings.
11 The department may, in its discretion, require participation by
12 a delinquent in a program as a condition of supervised release.

13 C. The department may utilize not more than twenty-
14 five percent of the fund ~~[to contract directly for community~~
15 ~~corrections programs]~~ for a program agreement or service
16 agreement that provides services for adjudicated delinquents or
17 children or youth referred by the department or to establish
18 programs operated by the department; provided, however, that
19 the department may utilize up to an additional ten percent of
20 the fund to operate ~~[juvenile community corrections]~~ programs
21 that provide services for adjudicated delinquents or children
22 or youth referred by the department if, after a reasonable
23 effort to solicit proposals, there are no satisfactory
24 proposals from a community where it is determined that a
25 program is necessary or if it becomes necessary to cancel a

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1 program as provided in the contract.

2 D. The department shall establish additional
3 guidelines for allocation of funds under the Juvenile Community
4 [~~Corrections~~] Connections Act. An applicant shall retain the
5 authority to accept or reject the placement of [~~any delinquent~~]
6 a child or youth in a program."

7 SECTION 5. Section 33-9A-5 NMSA 1978 (being Laws 1988,
8 Chapter 101, Section 43, as amended) is amended to read:

9 "33-9A-5. SELECTION PANELS.--

10 A. [~~The department shall establish a state panel~~] A
11 county, municipality or private organization, individually or
12 jointly, may establish a local panel whose duties shall be to
13 immediately screen and identify delinquents sentenced to a
14 juvenile [~~correctional~~] facility of the department and
15 transferred to the legal custody of the department [~~except~~
16 ~~individuals who are sentenced or transferred from a judicial~~
17 ~~district that has established a local panel to exercise these~~
18 ~~duties pursuant to the provisions of this section and who meet~~
19 ~~the following criteria:~~

20 (1) ~~the offense involved is one for which~~
21 ~~community service or reasonable restitution may be made using a~~
22 ~~payment schedule compatible with the total amount of~~
23 ~~restitution to be paid and the time the offender is to~~
24 ~~participate in a program; and~~

25 (2) ~~the child is willing to enter into a~~

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1 ~~contract that establishes objectives that shall be achieved~~
2 ~~before release from the program].~~ The composition of a local
3 panel shall include representatives from the judiciary, the
4 local schools, the department, the county sheriff or the
5 municipal police department, individuals representing local
6 programs and private citizens.

7 B. The department may establish criteria [~~in~~
8 ~~addition to those established in Subsection A of this section]~~
9 for the screening of delinquents who would benefit from
10 participation in a program and who would not pose a threat to
11 the community.

12 C. If the [~~state~~] local panel determines that a
13 child is suitable for placement in a program, a recommendation
14 to that effect and for modification of disposition shall be
15 presented as soon as possible to the sentencing judge or the
16 department, which may, notwithstanding any provision of law,
17 accept, modify or reject the recommendation. The determination
18 shall be presented to the county, municipality or private
19 nonprofit organization, as applicable, for approval or
20 rejection.

21 [~~D. A county, municipality or private nonprofit~~
22 ~~organization, individually or jointly, may establish a local~~
23 ~~panel to exercise the duties and responsibilities of the state~~
24 ~~panel pursuant to the provisions of Subsection A of this~~
25 ~~section and, using the same criteria as the state panel, the~~

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1 ~~local panel may screen and identify delinquents. The~~
2 ~~composition of a local panel shall include, to the maximum~~
3 ~~extent possible, representatives of the judiciary, the~~
4 ~~administrative office of the district attorneys, the public~~
5 ~~defender department, the children, youth and families~~
6 ~~department, the county sheriff or the municipal police~~
7 ~~department, individuals representing local programs and private~~
8 ~~citizens.]"~~

9 SECTION 6. Section 41-4-3 NMSA 1978 (being Laws 1976,
10 Chapter 58, Section 3, as amended) is amended to read:

11 "41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

12 A. "board" means the risk management advisory
13 board;

14 B. "governmental entity" means the state or any
15 local public body as defined in Subsections C and H of this
16 section;

17 C. "local public body" means all political
18 subdivisions of the state and their agencies, instrumentalities
19 and institutions and all water and natural gas associations
20 organized pursuant to Chapter 3, Article 28 NMSA 1978;

21 D. "law enforcement officer" means a full-time
22 salaried public employee of a governmental entity, or a
23 certified part-time salaried police officer employed by a
24 governmental entity, whose principal duties under law are to
25 hold in custody any person accused of a criminal offense, to

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1 maintain public order or to make arrests for crimes, or members
2 of the national guard when called to active duty by the
3 governor;

4 E. "maintenance" does not include:

5 (1) conduct involved in the issuance of a
6 permit, driver's license or other official authorization to use
7 the roads or highways of the state in a particular manner; or

8 (2) an activity or event relating to a public
9 building or public housing project that was not foreseeable;

10 F. "public employee" means an officer, employee or
11 servant of a governmental entity, excluding independent
12 contractors except for individuals defined in Paragraphs (7),
13 (8), (10), (14) and (17) of this subsection, or of a
14 corporation organized pursuant to the Educational Assistance
15 Act, the Small Business Investment Act or the Mortgage Finance
16 Authority Act or a licensed health care provider, who has no
17 medical liability insurance, providing voluntary services as
18 defined in Paragraph (16) of this subsection and including:

19 (1) elected or appointed officials;

20 (2) law enforcement officers;

21 (3) persons acting on behalf or in service of
22 a governmental entity in any official capacity, whether with or
23 without compensation;

24 (4) licensed foster parents providing care for
25 children in the custody of the ~~[human services department,~~

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1 ~~corrections department or department of health~~ state, but not
2 including foster parents certified by a licensed child
3 placement agency;

4 (5) members of state or local selection panels
5 established pursuant to the Adult Community Corrections Act;

6 (6) members of state or local selection panels
7 established pursuant to the Juvenile Community ~~Corrections~~
8 Connections Act;

9 (7) licensed medical, psychological or dental
10 arts practitioners providing services to the corrections
11 department pursuant to contract;

12 (8) members of the board of directors of the
13 New Mexico medical insurance pool;

14 (9) individuals who are members of medical
15 review boards, committees or panels established by the
16 educational retirement board or the retirement board of the
17 public employees retirement association;

18 (10) licensed medical, psychological or dental
19 arts practitioners providing services to the children, youth
20 and families department pursuant to contract;

21 (11) members of the board of directors of the
22 New Mexico educational assistance foundation;

23 (12) members of the board of directors of the
24 New Mexico student loan guarantee corporation;

25 (13) members of the New Mexico mortgage

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1 finance authority;

2 (14) volunteers, employees and board members
3 of court-appointed special advocate programs;

4 (15) members of the board of directors of the
5 small business investment corporation;

6 (16) health care providers licensed in New
7 Mexico who render voluntary health care services without
8 compensation in accordance with rules promulgated by the
9 secretary of health. The rules shall include requirements for
10 the types of locations at which the services are rendered, the
11 allowed scope of practice and measures to ensure quality of
12 care;

13 (17) an individual while participating in the
14 state's adaptive driving program and only while using a
15 special-use state vehicle for evaluation and training purposes
16 in that program;

17 (18) the staff and members of the board of
18 directors of the New Mexico health insurance exchange
19 established pursuant to the New Mexico Health Insurance
20 Exchange Act; and

21 (19) members of the insurance nominating
22 committee;

23 G. "scope of duty" means performing any duties that
24 a public employee is requested, required or authorized to
25 perform by the governmental entity, regardless of the time and

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1 place of performance; and

2 H. "state" or "state agency" means the state of New
3 Mexico or any of its branches, agencies, departments, boards,
4 instrumentalities or institutions."

5 SECTION 7. Section 41-13-2 NMSA 1978 (being Laws 1999,
6 Chapter 268, Section 3) is amended to read:

7 "41-13-2. DEFINITIONS.--As used in the Governmental
8 Immunity Act:

9 A. "employment" includes services provided by an
10 immune contractor;

11 B. "governmental entity" means the state or a local
12 public body;

13 C. "immune contractor" means a person that:

14 (1) is an independent contractor; ~~and~~

15 (2) contracts with a governmental entity to
16 provide:

17 (a) care for children in the custody of
18 the ~~[human services department, corrections department or~~
19 ~~department of health]~~ state, as a licensed foster parent,
20 excluding foster parents certified by a licensed child
21 placement agency; or

22 (b) services to the children, youth and
23 families department or the corrections department as a licensed
24 medical, psychological or dental arts practitioner;

25 (3) is a member of:

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1 (a) a state or local selection panel
2 established pursuant to the Juvenile Community [~~Corrections~~]
3 Connections Act;

4 (b) a state or local selection panel
5 established pursuant to the Adult Community Corrections Act;

6 (c) the board of directors of the New
7 Mexico [~~comprehensive health~~] medical insurance pool;

8 (d) a medical review board, a committee
9 or panel established by the educational retirement board or the
10 retirement board of the public employees retirement
11 association;

12 (e) the board of directors of the New
13 Mexico educational assistance foundation; or

14 (f) the board of directors of the New
15 Mexico student loan guarantee corporation; or

16 (4) is a volunteer, employee or board member
17 of a court-created special advocate program;

18 D. "local public body" means a political
19 subdivision of the state and its agencies, instrumentalities
20 and institutions and a water and natural gas association
21 organized pursuant to Chapter 3, Article 28 NMSA 1978;

22 E. "public employee" means a natural person that is
23 an officer or employee of a governmental entity; and

24 F. "state" means the state of New Mexico or any of
25 its branches, agencies, departments, boards, instrumentalities

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