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**SENATE BILL 128**

**42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996**

**INTRODUCED BY**

**JANICE D. PASTER**

**FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE**

**AN ACT**

**MAKING APPROPRIATIONS FOR THE PURPOSE OF PROVIDING AN ARRAY OF SERVICES TO CHILDREN AT RISK OF BEING REFERRED OR CHILDREN REFERRED TO THE JUVENILE JUSTICE DIVISION OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT; PROVIDING FOR CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS.**

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

**Section 1. ARRAY OF SERVICES AND PROGRAMS FOR CHILDREN AT RISK OF BEING REFERRED OR CHILDREN REFERRED TO THE JUVENILE JUSTICE DIVISION OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT-- FINDINGS. --**

**A. The legislature finds that it is in the interest of the state to continue to make available a wide array of comprehensive and effective services, programs and facilities for children at risk of being referred or children referred to**

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1 the juvenile justice division of the children, youth and  
2 families department.

3 B. It is the intent of the legislature that a  
4 balanced and restorative juvenile justice system be premised  
5 upon the guiding principles of community protection,  
6 accountability and competency development.

7 C. It is the intent of the legislature that juvenile  
8 justice services and programs be:

9 (1) provided by state employees; or

10 (2) provided via contracts for the services or  
11 programs, pursuant to the provisions of the Procurement Code.

12 D. It is the intent of the legislature that when the  
13 children, youth and families department contemplates enlarging  
14 or changing the operation of an existing juvenile justice  
15 facility, express legislative approval be given prior to the  
16 enlargement or change.

17 Section 2. ARRAY OF SERVICES AND PROGRAMS FOR CHILDREN AT  
18 RISK OF BEING REFERRED OR CHILDREN REFERRED TO THE JUVENILE  
19 JUSTICE DIVISION OF THE CHILDREN, YOUTH AND FAMILIES  
20 DEPARTMENT-- APPROPRIATIONS. --

21 A. To provide an array of services and programs for  
22 children at risk of being referred or children referred to the  
23 juvenile justice division of the children, youth and families  
24 department, the following amounts are appropriated from the  
25 general fund to the children, youth and families department for

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1 expenditure in fiscal year 1997 for the following purposes:

2 (1) two hundred fifty thousand dollars  
3 (\$250,000) for the purpose of contracting with community-based  
4 providers for the provision of community and victim restoration  
5 programs, including mentoring programs, mediation programs and  
6 community involvement programs;

7 (2) eight hundred thirty-two thousand dollars  
8 (\$832,000) for the purpose of hiring eighteen additional  
9 full-time employees to provide informal probation services.  
10 The informal probation services shall include the provision of  
11 front-end services, early intervention services and diversionary  
12 services to children at risk of being referred or children  
13 referred to the juvenile justice division of the children, youth  
14 and families department;

15 (3) two hundred fifty-six thousand dollars  
16 (\$256,000) for the purpose of contracting with community-based  
17 providers for the provision of family preservation programs for  
18 children at risk of being removed from their homes;

19 (4) one hundred ninety thousand dollars  
20 (\$190,000) for the purpose of providing a statewide sex offender  
21 program for children adjudicated or at risk of being adjudicated  
22 for a sexual offense. The statewide sex offender program for  
23 children shall include program services at the New Mexico boys'  
24 school, the New Mexico girls' school and the youth diagnostic  
25 and development center. The statewide sex offender program

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1 shall also provide assessment services, treatment services and  
2 aftercare services;

3 (5) nine hundred sixty-four thousand dollars  
4 (\$964,000) for the purpose of expanding the statewide operation  
5 of assessment and diagnostic units. The appropriation shall  
6 include money for converting two full-time employees from term  
7 to permanent employees and hiring nine additional full-time  
8 employees to ensure that each judicial district in the state has  
9 an assessment and diagnostic unit;

10 (6) one million two hundred thousand dollars  
11 (\$1,200,000) for the purpose of contracting for the operation of  
12 juvenile community corrections programs that are specifically  
13 designed to reintegrate into their own homes or communities  
14 children currently placed in institutions operated by the  
15 juvenile justice division of the children, youth and families  
16 department;

17 (7) seven hundred thirty-seven thousand dollars  
18 (\$737,000) for the purpose of hiring additional juvenile  
19 intensive probation supervision officers statewide, including:

20 (a) eight additional surveillance  
21 officers, to be placed in eight different communities, to assist  
22 with juvenile intensive probation supervision or juvenile  
23 surveillance supervision;

24 (b) three additional juvenile intensive  
25 supervision teams for high commitment areas; and

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1 (c) two additional violence intervention  
2 program service treatment teams;

3 (8) five hundred thousand dollars (\$500,000)  
4 for the purpose of providing nonsecure alternatives to  
5 detention, including adolescent shelters, home monitoring  
6 programs, home detention programs, electronic monitoring  
7 programs and day reporting centers; and

8 (9) seventy-five thousand dollars (\$75,000) for  
9 the purpose of recruiting, training and providing ten foster  
10 homes for children referred to the juvenile justice division of  
11 the children, youth and families department. The foster homes  
12 shall be reimbursed at the special needs foster home rate.

13 B. Any unexpended or unencumbered balance remaining  
14 at the end of fiscal year 1997 shall revert to the general fund.

15 Section 3. JUVENILE JUSTICE DIVISION OF THE CHILDREN,  
16 YOUTH AND FAMILIES DEPARTMENT--EXPANSION OF EXISTING PROGRAMS  
17 AND FACILITIES--APPROPRIATIONS. --

18 A. To provide support for and upgrade existing  
19 programs and facilities operated by the juvenile justice  
20 division of the children, youth and families department, the  
21 following amounts are appropriated from the general fund to the  
22 children, youth and families department for expenditure in  
23 fiscal year 1997 for the following purposes:

24 (1) five hundred thirty-six thousand dollars  
25 (\$536,000) for the purpose of hiring an additional twenty-one

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1 journeyman juvenile correctional officers for employment at the  
2 youth diagnostic and development center;

3 (2) forty-three thousand dollars (\$43,000) for  
4 the purpose of hiring one juvenile parole officer for assignment  
5 to the New Mexico boys' school. The juvenile parole officer  
6 shall assist with the orderly transition of children from the  
7 New Mexico boys' school to placement in the children's homes or  
8 communities;

9 (3) eighty-six thousand dollars (\$86,000) for  
10 the purpose of hiring two home study juvenile parole officers to  
11 assist with evaluation of children returning to their homes  
12 following placement in a facility operated by the juvenile  
13 justice division of the children, youth and families department.  
14 The home study juvenile parole officers shall also provide  
15 assistance to the children and the children's families to ensure  
16 an orderly return home following release from a facility;

17 (4) one hundred nineteen thousand dollars  
18 (\$119,000) for the purpose of hiring two classification officers  
19 and support staff to operate a centralized classification unit.  
20 The centralized classification unit shall properly classify  
21 children referred to the juvenile justice division of the  
22 children, youth and families department and recommend  
23 appropriate placements for the children;

24 (5) one hundred forty-eight thousand dollars  
25 (\$148,000) for the purpose of contracting for evaluation,

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1 quality assurance and monitoring of services attendant to  
2 expansion of the juvenile justice division of the children,  
3 youth and families department;

4 (6) one hundred fifty-three thousand dollars  
5 (\$153,000) for the purpose of transporting children to and from  
6 institutions and facilities operated by the children, youth and  
7 families department; and

8 (7) two hundred thousand dollars (\$200,000) for  
9 the purpose of converting an existing reintegration center  
10 located in an urban area into an urban construction corps  
11 facility. The urban construction corps facility shall offer  
12 programming that teaches employable skills, including home  
13 renovation and home construction skills. The children, youth  
14 and families department may contract with or enter into a joint  
15 powers agreement with the labor department for the provision of  
16 services at the urban construction corps facility.

17 B. Any unexpended or unencumbered balance remaining  
18 at the end of fiscal year 1997 shall revert to the general fund.

19 Section 4. SEVERANCE TAX BONDS--PURPOSE FOR WHICH ISSUED--  
20 APPROPRIATION OF PROCEEDS. --

21 A. The state board of finance may issue and sell  
22 severance tax bonds in compliance with the Severance Tax Bonding  
23 Act in an amount not to exceed the total of the amounts  
24 specified in Subsection B of this section. The state board of  
25 finance shall schedule the issuance and sale of the bonds in the

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1 most expeditious and economical manner possible upon a finding  
2 by the board that the project has been developed sufficiently to  
3 justify the issuance and that the project can proceed to  
4 contract within a reasonable time. The state board of finance  
5 shall further take the appropriate steps necessary to comply  
6 with the Internal Revenue Code of 1986, as amended.

7 B. Pursuant to the provisions of Subsection A of  
8 this section, upon certification by the children, youth and  
9 families department that the need exists for the issuance of the  
10 bonds:

11 (1) two hundred fifty thousand dollars  
12 (\$250,000) is appropriated to the children, youth and families  
13 department for the purpose of converting the Eagle Nest  
14 reintegration center located in Colfax County into an  
15 environmental forestry work camp for children; and

16 (2) four hundred thousand dollars (\$400,000) is  
17 appropriated to the children, youth and families department for  
18 the purpose of increasing the capacity of the youth diagnostic  
19 and development center by an additional ten special adjustment  
20 beds.

21 C. Any unexpended or unencumbered balance remaining  
22 six months after completion of the project shall revert to the  
23 severance tax bonding fund.

24 D. If the children, youth and families department  
25 has not certified the need for the issuance of the bonds by the



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1 end of fiscal year 1999, the authorization provided in this  
2 section shall be void.

3 Section 5. EFFECTIVE DATE. --The effective date of the  
4 provisions of this act is July 1, 1996.

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1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996  
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5 JANUARY 23, 1996  
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7 Mr. Presi dent:  
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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred  
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11 SENATE BILL 128  
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13 has had it under consideration and finds same to be GERMANE, PURSUANT  
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the  
15 JUDI CIARY COMMI TTEE.  
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17 Respectfully submi tted,  
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23 SENATOR MANNY M. ARAGON, Chai rman  
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Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

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Date \_\_\_\_\_

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1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
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5 January 29, 1996  
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7 Mr. President:  
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9 Your JUDICIARY COMMITTEE, to whom has been referred  
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11 SENATE BILL 128  
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13 has had it under consideration and reports same with recommendation that  
14 it DO PASS, and thence referred to the FINANCE COMMITTEE.  
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16 Respectfully submitted,  
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21 Janice D. Paster, Chairman  
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25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

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The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Cisneros, Tsosie, Vernon

Absent: None

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