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HOUSE BILL 338

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO JUVENILE CORRECTIONS; PROVIDING FOR EXPENDITURES FROM THE JUVENILE COMMUNITY CORRECTIONS GRANT FUND; PROVIDING FOR ADDITIONAL JUVENILE CORRECTIONS BEDS; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. Section 33-9A-3 NMSA 1978 (being Laws 1988, Chapter 101, Section 41, as amended) is amended to read:

"33-9A-3. JUVENILE COMMUNITY CORRECTIONS GRANT FUND CREATED-- PURPOSE-- ADMINISTRATION-- REPORT. --

A. There is created in the state treasury the "juvenile community corrections grant fund" to be administered by the department. All balances in the fund are appropriated to the department to carry out the purposes of the fund, and no money shall be transferred to another fund or be encumbered or

1 disbursed in any manner except as provided in the Juvenile
2 Community Corrections Act. Disbursements from the fund shall be
3 made only upon warrant drawn by the secretary of finance and
4 administration pursuant to vouchers signed by the secretary of
5 children, youth and families.

6 B. Money in the fund shall be used by the department
7 to make grants to counties, municipalities or private
8 organizations, individually or jointly, to provide community
9 corrections programs and services for the diversion and
10 reintegration of adjudicated delinquents to community-based
11 settings. Beginning July 1, 1997, one-half of the money in the
12 fund shall be used for diversion services and one-half of the
13 money in the fund shall be used for reintegration services. No
14 grant shall be made to a private organization that is not a
15 nonprofit organization without the approval of the secretary.
16 The department may also use money in the fund to contract
17 directly for or operate juvenile community corrections programs.

18 C. No more than ten percent of the money in the fund
19 shall be used by the department for administration and program
20 monitoring by the department. No more than ten percent of any
21 grant from the fund shall be used for administrative costs
22 incurred by the grantee.

23 D. After notice and public hearing as required by
24 law, the secretary shall adopt regulations that provide
25 standards for qualifications for grants, priorities for awarding

1 of grants and other standards regarding juvenile community
2 corrections programs deemed necessary. The department shall
3 review and approve or disapprove all applications submitted
4 pursuant to the Juvenile Community Corrections Act for a grant
5 of funds from the fund.

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

11 F. The department may accept donations, payments,
12 contributions, gifts or grants from whatever source for the
13 benefit of the fund. "

14 Section 2. APPROPRIATIONS. --

15 A. Three million one hundred sixty-seven thousand
16 four hundred dollars (\$3,167,400) is appropriated from the
17 general fund to the children, youth and families department for
18 expenditure in fiscal years 1997 and 1998 to:

19 (1) acquire, install, equip and furnish two
20 fifty-bed secure modulars to house high-risk youthful offenders
21 at the New Mexico boys' school and the youth diagnostic and
22 development center; and

23 (2) renovate the old Sandia cottage at the
24 youth diagnostic and development center to house moderate- to
25 low-risk children.

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B. Three million six hundred twenty-five thousand dollars (\$3,625,000) is appropriated from the general fund to the children, youth and families department for expenditure in fiscal year 1998 for operational expenses associated with the additional one hundred forty-eight beds at the New Mexico boys' school and the youth diagnostic and development center provided pursuant to Subsection A of this section.

C. Any unexpended or unencumbered balance remaining from the appropriations made in this section at the end of fiscal year 1998 shall revert to the general fund.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

State of New Mexico
House of Representatives

1
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3 FORTY-THIRD LEGISLATURE
4
5 FIRST SESSION, 1997
6
7

8 February 5, 1997
9

10
11 Mr. Speaker:

12
13 Your JUDICIARY COMMITTEE, to whom has been referred

14 HOUSE BILL 338
15

16 has had it under consideration and reports same with
17 recommendation that it DO PASS, amended as follows:
18

19 1. On page 1, line 13, strike "MAKING APPROPRIATIONS;".

20
21 2. On page 2, line 11, after the second comma strike the
22 remainder of the line, strike all of line 12 and strike line 13
23 through the period, and insert in lieu thereof:

24 "the fund shall be used for diversion services and for
25 reintegration services. ".
26

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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3. On pages 3 and 4, strike all of Section 2 and insert in lieu thereof:

"Section 2. TEMPORARY PROVISION-- JUVENILE CORRECTIONS BEDS. -
The children, youth and families department shall acquire, install, equip and furnish a total of three fifty-bed secure modulars to house high-risk youthful offenders at the New Mexico boys' school, the youth diagnostic and development center or any other appropriate juvenile facility operated by the department.". ,
and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
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The roll call vote was 10 For 3 Against

Yes: 10

No: Carpenter, Larranaga, Mallory

Excused: None

Absent: None

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**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

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7 Mr. Speaker:

8 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
9 whom has been referred

10
11 HOUSE BILL 338, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15 1. Strike House Judiciary Committee Amendment 3.

16
17 2. On pages 3 and 4, strike all of Section 2 and insert in
18 lieu thereof:

19
20 "Section 2. TEMPORARY PROVISION--RISK ASSESSMENT INSTRUMENT--
21 CLASSIFICATION SYSTEM --The criminal and juvenile justice
22 coordinating council shall advise the children, youth and families
23 department on the development and validation of a risk assessment
24 instrument and classification system for use by the children,
25 youth and families department. The criminal and juvenile justice
coordinating council and the children, youth and families

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAF/ HB 338, aa

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department shall provide periodic progress reports to the appropriate legislative interim committees. The risk assessment instrument shall be operational by October 1, 1997.

Section 3. TEMPORARY PROVISION-- JUVENILE CORRECTIONS BEDS. --

The children, youth and families department shall acquire, install, equip and furnish a total of two fifty-bed secure modulars to house high-risk youthful offenders, one at the New Mexico boys' school and one at the youth diagnostic and development center."

3. Renumber the succeeding section accordingly.

Respectfully submitted,

Max Coll, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
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HAF C/HB 338, aa

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The roll call vote was 9 For 0 Against

Yes: 9

Excused: Abeyta, Garcia, M H., Heaton, Knowles, Marquardt,
Picraux, Taylor, J. P., Watchman

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

HB 338/a

3
4 March 16, 1997

5
6 Mr. President:

7
8 Your JUDICIARY COMMITTEE, to whom has been referred

9 HOUSE BILL 338, as amended

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. On page 1, line 25, strike "shall" and insert in lieu
15 thereof "may".

16
17 2. On page 2, line 2, strike "shall" and insert in lieu
18 thereof "may".

19
20 3. On Page 2, line 6, strike "shall" and insert in lieu
21 thereof "may".

22
23 4. On page 2, line 12, strike "shall" and insert in lieu
24 thereof "may".

25
26 5. On page 2, line 13, strike "shall" and insert in lieu
27 thereof "may".

**FORTY-THIRD LEGISLATURE
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6. On page 2, line 14, strike "shall" and insert in lieu thereof "may".

7. On page 2, line 19, strike "shall" and insert in lieu thereof "may".

8. On page 2, line 21, strike "shall" and insert in lieu thereof "may".

9. On page 2, line 24, strike "shall" and insert in lieu thereof "may".

10. On page 3, line 2, strike "shall" and insert in lieu thereof "may".

11. On page 3, line 6, strike "shall" and insert in lieu thereof "may".

12. On page 4, line 10, strike "shall" and insert in lieu thereof "may",

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**FORTY-THIRD LEGISLATURE
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and thence referred to FINANCE COMMITTEE

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Sanchez

Absent: None

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 21, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 338, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

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Underscored material = new
[bracketed material] = delete