HOUSE BILL

58TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2027

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIME; CREATING THE NEW MEXICO CRIMINAL JUSTICE INSTITUTE AS AN INDEPENDENT INSTITUTE AT THE UNIVERSITY OF NEW MEXICO AND ASSIGNING POWERS AND DUTIES; CREATING THE NEW MEXICO CRIMINAL JUSTICE COMMISSION TO CONTROL AND MANAGE THE NEW MEXICO CRIMINAL JUSTICE INSTITUTE; PROVIDING FOR THE ADMINISTRATIVE RELATIONSHIP BETWEEN THE UNIVERSITY OF NEW MEXICO AND THE INSTITUTE; CHARGING THE INSTITUTE WITH FACILITATING A TEN-YEAR STRATEGIC PLANNING PROCESS TO MODERNIZE THE CRIMINAL JUSTICE SYSTEM; CREATING COMMITTEES OF THE NEW MEXICO CRIMINAL JUSTICE COMMISSION THAT ARE RESPONSIBLE FOR DEVELOPING STRATEGIC OBJECTIVES AND SPECIFIC STRATEGIES TO MEET THE STATE'S STRATEGIC GOALS FOR THE CRIMINAL JUSTICE SYSTEM; TRANSFERRING FUNCTIONS, APPROPRIATIONS, MONEY, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES; AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978;

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MAKING APPROPRIATIONS.

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

SECTION 1. Section 29-3-11 NMSA 1978 (being Laws 2007, Chapter 37, Section 1, as amended) is amended to read:

"29-3-11. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED--DUTIES OF DEPARTMENT.--

A. The department of public safety shall develop, operate and maintain a uniform crime reporting system and shall be the central repository for the collection, storage, retrieval and analysis of crime incident and arrest reports generated by all law enforcement agencies in this state. The system shall be operational as of January 1, 2008.

B. The department shall:

(1) compile statistical data and forward such data as required to the federal bureau of investigation or the appropriate United States department of justice agency in accordance with standards and procedures of the national system;

(2) provide forms, standards and procedures and related training to state and local law enforcement agencies as necessary for the agencies to report incident and arrest activity for inclusion in the statewide system;

(3) in conjunction with the New Mexico [~~sentencing commission~~] criminal justice institute, annually

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publish a report on the nature and extent of crime in New Mexico and submit the report to the governor and to the legislature;

(4) maintain the privacy and security of information in accordance with applicable state and federal laws;

(5) provide the New Mexico [~~sentencing commission~~] criminal justice institute access to the data collected and maintained by the department; and

(6) establish rules as necessary to implement the provisions of this section.

C. Every law enforcement agency in the state shall:

(1) submit crime incident reports to the department of public safety on forms or in the format prescribed by the department;

(2) submit any other crime incident information as may be required by the department of public safety; and

(3) use the unique code assigned to the crime from the master charge code table distributed by the New Mexico justice information sharing council for the automated fingerprint identification system and use uniform crime incident reporting as provided by the department for all incidents and arrests.

D. The annual report and other statistical data

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reports generated by the department shall be made available to state and local law enforcement agencies, the administrative office of the courts and the general public."

SECTION 2. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 2 through 14 of this act may be cited as the "New Mexico Criminal Justice Institute Act"."

SECTION 3. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the New Mexico Criminal Justice Institute Act:

A. "commission" means the New Mexico criminal justice commission;

B. "criminal justice system" means the programs administered by the executive department, the judicial department, political subdivisions of the state and contractors of the state or political subdivisions of the state to enforce and implement the provisions of the Criminal Code, the Criminal Sentencing Act, the Probation and Parole Act and the Delinquency Act; and

C. "institute" means the New Mexico criminal justice institute."

SECTION 4. A new section of Chapter 31 NMSA 1978 is enacted to read:

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"[NEW MATERIAL] NEW MEXICO CRIMINAL JUSTICE INSTITUTE CREATED--MEMBERSHIP OF THE NEW MEXICO CRIMINAL JUSTICE COMMISSION.--

A. The "New Mexico criminal justice institute" is created as an independent institute at the university of New Mexico to conduct a continuing study of the criminal justice system, to advise the legislative, executive and judicial branches of government on policy problems in the criminal justice system and recommended solutions and to execute all other functions required by law.

B. The institute shall be housed at the university of New Mexico but the management and control of the institute, the preservation of the institute's property and the disbursement and expenditure of the institute's money is vested in the "New Mexico criminal justice commission". The university:

(1) shall provide the institute with:

(a) administrative and fiscal support and basic financial services;

(b) personnel services;

(c) office space, office equipment and telecommunications services; and

(d) access to the university's libraries, databases and information networks; and

(2) may assess a monthly fiscal management fee

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from the institute; provided that the fee shall not exceed nine percent of the institute's operational costs.

C. The commission consists of:

(1) the following ex-officio members or their designees:

(a) the attorney general;

(b) the chief public defender;

(c) the dean of the university of New Mexico school of law;

(d) the secretary of corrections;

(e) the secretary of public safety;

(f) the secretary of children, youth and families;

(g) the secretary of public education;

(h) the secretary of higher education;

(i) the director of the behavioral health services division of the health care authority; and

(j) the director of the administrative office of the courts; and

(2) the following appointed members:

(a) one public member appointed by the governor who is a representative of a New Mexico victims' organization;

(b) one public member appointed by the governor who is a person formerly incarcerated by the

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corrections department for a felony offense;

(c) two public members appointed by the president pro tempore of the senate;

(d) one public member appointed by the minority floor leader of the senate;

(e) two public members appointed by the speaker of the house of representatives;

(f) one public member appointed by the minority floor leader of the house of representatives;

(g) one magistrate judge appointed by the chief justice of the supreme court;

(h) one district court judge appointed by the district and metropolitan judges association or its successor organization;

(i) one children's court judge or a district court judge whose docket consists of a substantial number of cases filed pursuant to the Delinquency Act appointed by the district and metropolitan judges association or its successor organization;

(j) one district attorney appointed by the New Mexico district attorney's association or its successor organization;

(k) one county sheriff appointed by the executive director of the New Mexico association of counties or its successor organization;

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(l) one warden or administrator of a county detention center appointed by the executive director of the New Mexico association of counties or its successor organization;

(m) one member of the regular faculty of the department of criminal justice at New Mexico state university appointed by the dean of the New Mexico state university college of arts and sciences; and

(n) one public member appointed by the president of the state bar of New Mexico who is a practicing attorney and a registered member of a federally recognized Indian nation, tribe or pueblo that is located wholly or partially in the state.

D. All appointed members of the commission shall serve at the pleasure of the appointing authority and shall be appointed to reflect the urban-rural geographic distribution of the state's population and in consideration of the incidence of crime and the distribution and concentration of law enforcement services in the state; provided that appointed public members of the commission shall not be:

(1) current officers or employees of the legislative, executive or judicial departments of the state, including independent agencies or instrumentalities of the state;

(2) current officers or employees of a

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political subdivision of the state; or

(3) current contractors of the state or a political subdivision of the state or an officer or employee of such contractor.

E. The commission shall elect a chair from among the commission's members.

F. A majority of all members of the commission constitutes a quorum for the transaction of commission business.

G. Members of the commission who are not eligible to receive reimbursement for per diem and mileage expenses as government employees are entitled to receive reimbursement for per diem and mileage expenses in accordance with the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance for the members' service on the commission."

SECTION 5. Section 9-3-10 NMSA 1978 (being Laws 1977, Chapter 257, Section 11, as amended) is recompiled in the New Mexico Criminal Justice Institute Act and is amended to read:

"[~~NEW MEXICO SENTENCING COMMISSION--CREATION--MEMBERSHIP--DUTIES~~] NEW MEXICO CRIMINAL JUSTICE COMMISSION--GENERAL POWERS AND DUTIES--REQUIREMENTS FOR PROPOSED REFORMS--ANNUAL REPORT.--

[~~A. There is created The "New Mexico sentencing commission".~~

~~B. The New Mexico sentencing commission shall be~~

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~~composed of twenty-seven members. Appointed members shall serve at the pleasure of the appointing authority. The commission shall reflect reasonable geographical and urban-rural balances and regard for the incidence of crime and the distribution and concentration of law enforcement services in the state. The commission shall consist of the following individuals or their designees:~~

~~(1) the attorney general;~~

~~(2) a district attorney appointed by the New Mexico district attorney's association or its successor agency;~~

~~(3) the chief public defender;~~

~~(4) two district court judges, one of whom shall be a children's court judge, appointed by the district and metropolitan judges association or its successor agency;~~

~~(5) a magistrate judge appointed by the chief justice of the supreme court;~~

~~(6) the dean of the university of New Mexico school of law;~~

~~(7) the secretary of corrections;~~

~~(8) the secretary of public safety;~~

~~(9) the secretary of children, youth and families;~~

~~(10) the secretary of public education;~~

~~(11) a representative from the behavioral health services division of the human services department;~~

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~~(12) a county sheriff appointed by the executive director of New Mexico counties;~~

~~(13) two public members appointed by the governor, one of whom shall be designated as chair of the New Mexico sentencing commission by the governor;~~

~~(14) three public members appointed by the president pro tempore of the senate;~~

~~(15) one public member appointed by the minority floor leader of the senate;~~

~~(16) three public members appointed by the speaker of the house of representatives;~~

~~(17) one public member appointed by the minority floor leader of the house of representatives;~~

~~(18) two public members appointed by the chief justice of the supreme court;~~

~~(19) one public member who is Native American and a practicing attorney, appointed by the president of the state bar association; and~~

~~(20) one public member appointed by the governor who is a representative of a New Mexico victims' organization.~~

~~C. A majority of the members of the New Mexico sentencing commission constitutes a quorum for the transaction of commission business.~~

~~D.~~] A. The [~~New Mexico sentencing~~] commission

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shall:

(1) hold [~~meetings at times and for periods~~] at least four meetings annually and as the commission deems necessary;

[~~(2) hire staff as needed to assist the commission in the performance of its duties;~~

~~(3) prepare an annual budget;~~]

(2) appoint subcommittees from among the commission's members as necessary;

(3) hire an executive director; and

(4) establish policies for the operation of the [~~commission~~] institute and supervision of the activities of [~~commission~~] institute staff.

[~~(5)~~] B. The executive director is the administrative head of the institute and shall:

(1) take the oath of office required by Article 20, Section 1 of the constitution of New Mexico;

(2) hire additional staff as necessary to carry out the duties of the institute;

(3) prepare an annual budget for the institute and submit the budget to the commission for approval;

(4) make recommendations to the commission of proposed rules or legislative changes necessary to improve the administration of the institute; and

(5) be required to reapply for the position

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after each six years of service.

C. The institute shall:

(1) advise the executive, judicial and legislative branches of government on policy matters relating to the criminal [~~and juvenile~~] justice system;

[~~(6) make recommendations to the legislature concerning proposed changes to laws relating to the criminal and juvenile justice systems that the commission determines would improve those systems;~~

~~(7) annually assess, monitor and report to the legislature on the impact of any enacted sentencing standards and guidelines on state and local correctional resources and programs and the need for further sentencing reform;~~

~~(8) when developing proposed sentencing reform:~~

~~(a) study sentencing models in other jurisdictions;~~

~~(b) study the Criminal Sentencing Act, the Criminal Code and all other New Mexico statutes relating to criminal law, criminal sentencing, criminal procedure and probation and parole;~~

~~(c) review past studies or reports regarding proposed changes to the Children's Code, the Criminal Code, the Criminal Sentencing Act or other New Mexico statutes relating to criminal law, criminal sentencing, criminal~~

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~~procedure or probation and parole;~~

~~(d) study past and current criminal sentencing and release practices and create a statistical database for simulating the impact of various sentencing policies;~~

~~(e) study the full range of prison, nonprison and intermediate sanctions;~~

~~(f) determine the principal purpose for criminal sanctions;~~

~~(g) rank criminal offenses by degree of seriousness;~~

~~(h) determine the role of criminal history in making criminal sentencing decisions;~~

~~(i) define dispositional policy that determines when adult felony offenders are confined in state prisons and county jails or sentenced to nonprison and intermediate sanctions;~~

~~(j) establish the length of criminal sentences;~~

~~(k) establish the appropriate use of community service and fines;~~

~~(l) structure proposed sentencing guidelines to ensure consistency in all aspects of criminal sentencing policy;~~

~~(m) assess the impact of commission~~

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~~recommendations to modify criminal sentencing policy on the availability of and need for correctional resources and programs;~~

~~(n) use the expertise of a national or state organization with experience in sentencing reform; and~~

~~(o) present proposed legislation or recommendations regarding sentencing reform to the appropriate legislative interim committee;~~

~~(9) monitor any enacted sentencing guidelines with respect to uniformity and proportionality;~~

[~~(10)~~] (2) conduct research relating to the use and effectiveness of [~~any enacted guidelines, prosecution standards~~] offense charging, plea bargaining, sentencing practices, probation and parole practices and any other matters relating to the criminal justice system;

[~~(11)~~] (3) serve as a clearinghouse for the systematic collection, analysis and dissemination of information relating to felony offense charges, plea agreements, convictions, sentences imposed, incarceration time actually served and actual and projected inmate population in the state correctional system;

[~~(12) review, all proposed legislation that creates a new criminal offense, changes the classification of an offense or changes the range of punishments for an offense and make recommendations to the legislature as to whether~~

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~~proposed changes would improve the criminal and juvenile justice system;~~

~~(13) contingent upon the availability of funding, provide impact estimates, incorporating prison population projections, on all proposed legislation that has the potential to affect correctional resources;~~

~~(14)~~] (4) create and maintain a data-sharing network to receive, store, analyze and disseminate criminal justice system data [~~for and between~~] to participating criminal justice system agencies and behavioral health agencies for the purpose of evaluating local and statewide criminal justice [~~systems and~~] system programs; [~~and supporting, encouraging and accomplishing information sharing among criminal justice agencies and criminal justice coordinating councils;~~

~~(15)~~] (5) provide data analysis as requested by criminal justice system agencies and criminal justice coordinating councils; [~~and~~

~~(16) promulgate rules governing the data-sharing network and data analysis pursuant to Paragraphs (14) and (15) of this subsection. The rules shall include procedures to:~~

~~(a) fulfill any requirements related to data privacy, security and protection so that information access and sharing is permitted for authorized purposes, as defined by law, court order or for business practices that are~~

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~~a necessary component of the requesting agency's duties and functions and is compatible with the purpose and expectations of use under which the information was collected;~~

~~(b) guide participating agencies to ensure accuracy, completeness, currency and reliability of information reported to the data-sharing network;~~

~~(c) allow data querying and reporting tools for those authorized users who want to perform statistical analysis of some of the data collected and retained;~~

~~(d) provide safeguards to actively monitor and record: 1) access and use of the network's services and systems; and 2) the nature of information exchanges using the network; and~~

~~(e) identify and recognize authorized users who access the network.~~

~~E. The members of the New Mexico sentencing commission shall be paid pursuant to the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance.~~

~~F. The New Mexico sentencing commission is administratively attached to the office of the governor~~]

(6) research and analyze statutes relating to sex offenders, evaluate sex offender programs, review the implementation of the Sex Offender Notification and

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Registration Act and make recommendations based on the research and analysis, if applicable;

(7) assist the department of public safety with reporting duties as provided in Section 29-3-11 NMSA 1978;

(8) perform duties assigned to the institute pursuant to the Crime Reduction Grant Act, the Uniform Collateral Consequences of Conviction Act, the Violence Intervention Program Act and the County Detention Facility Reimbursement Act; and

(9) on or before November 1 of each year, provide a written report to the secretary of corrections, criminal judges of the district courts, the administrative office of the district attorneys and the chief public defender that specifies the average reduction in terms of imprisonment during the immediately preceding fiscal year due to meritorious deductions as provided in Sections 33-2-34 and 33-2-36 through 33-2-38 NMSA 1978.

D. The institute may:

(1) contract for services;

(2) sue or be sued;

(3) accept in the name of the state grants, donations or gifts to carry out the institute's powers and duties; and

(4) make recommendations to the legislative, judiciary and executive departments regarding current or

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proposed statutes or rules that would improve the criminal justice system.

E. When developing proposed sentencing reforms, the institute shall:

(1) study the Criminal Code, the Criminal Sentencing Act, the Probation and Parole Act, the Delinquency Act and other New Mexico statutes and rules relating to criminal law, delinquency, criminal procedure, criminal sentencing and probation and parole;

(2) study sentencing models in other jurisdictions and, if applicable, research and recommendations from a national or state organization with demonstrated expertise in sentencing reform;

(3) study past and current criminal sentencing and release practices and create a statistical database for simulating the consequences of implementing various sentencing policies;

(4) study the full range of available forms of punishment, including imprisonment, noncustodial penalties and intermediate sanctions;

(5) determine the principal purposes of available forms of punishment;

(6) rank criminal offenses by degree of seriousness;

(7) determine the role of criminal history in

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making criminal sentencing decisions;

(8) assess the impact of proposed reforms on correctional programs and resources; and

(9) present proposed reforms to appropriate interim legislative committees."

SECTION 6. Section 9-3-10.1 NMSA 1978 (being Laws 1994, Chapter 19, Section 2, as amended) is recompiled in the New Mexico Criminal Justice Institute Act and is amended to read:

"AUTHORITY TO REVIEW RECORDS OR INFORMATION--EXCEPTIONS--RULES.--

A. The [~~New Mexico sentencing commission~~] institute is authorized to inspect, copy, receive and review adult, juvenile, medical, behavioral health, treatment court, competency and all other records, data and information [~~in the possession of state, county and local government agencies, except records, data or information that:~~

~~(1) is privileged under the rules of evidence;~~

~~(2) compromises or tends to disclose any privileged record or information; or~~

~~(3) consists of reports, memoranda or other internal documents given to or communications made to a prosecutor or defense attorney in connection with the investigation, prosecution or defense of a criminal case~~] created or maintained by an agency of the state or a political subdivision of the state, including records, data and

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information that is contained on the statewide criminal justice data-sharing network. An agency or a political subdivision of the state shall promptly provide the institute with or otherwise facilitate the institute's access to records, data or information upon receiving the institute's request.

B. All records, data and information received, accessed or inspected by the institute:

(1) shall have the same status regarding confidentiality or public access or release that applied to the records, data and information when they were created or maintained by the agency of the state or political subdivision of the state while such records, data and information are maintained by the institute; and

(2) may be used for and referenced in reports or other publications prepared by the institute; provided that confidential records, data and information shall be anonymized, and a report or publication shall not include personally identifiable information.

C. The institute is not authorized to inspect, copy, receive or review records, data or information that:

(1) are privileged pursuant to the rules of evidence;

(2) compromise or are likely to disclose privileged records, data or information; or

(3) consist of reports, memoranda or other

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internal documents given or communications made to a prosecutor or defense attorney in connection with the investigation, prosecution or defense of a criminal case.

[~~B.~~] D. The [~~New Mexico sentencing~~] commission shall promulgate rules for the institute setting forth procedures for inspecting, copying, receiving, reviewing and reporting records, data and information, [~~necessary to fulfill its duties. State, county and local government agencies shall assist the commission in obtaining the records, data and information necessary to fulfill the commission's duties. All records, data and information received or obtained by the commission shall have the same status with regard to access or release as when the records, data or information was in the possession of the entity from which the commission received it~~] including data maintained for data sharing and analysis as provided in Section 5 of this 2027 act. At minimum, the rules shall include procedures to:

(1) meet requirements related to data privacy, security and protection so that access and sharing is permitted only in accordance with a court order, legally authorized purpose or necessary business practices of the institute or an agency of the state or a political subdivision of the state;

(2) confirm the accuracy, completeness, currency and reliability of records, data or information shared by or shared with the institute;

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(3) allow data querying and reporting tools for statistical analysis by authorized users of data maintained by the institute; and

(4) provide safeguards that actively monitor and record the access and use of data maintained by the institute and the nature of information exchanges with the institute."

SECTION 7. Section 9-3-10.3 NMSA 1978 (being Laws 2019, Chapter 211, Section 16) is recompiled in the New Mexico Criminal Justice Institute Act and is amended to read:

"REVIEW OF LEGISLATION TO INCREASE, DECREASE OR CREATE PERIODS OF IMPRISONMENT--FISCAL IMPACT STATEMENTS--PROCEDURE.--

A. [~~The New Mexico sentencing commission shall prepare a fiscal impact statement as provided in this section for a bill that~~] During each legislative session, the institute shall review all bills that:

(1) [~~creates~~] create a new crime or [~~repeals~~] repeal an existing crime for which imprisonment is authorized;

(2) [~~increases~~] increase or [~~decreases~~] decrease the period of imprisonment authorized for an existing crime, change the classification of an existing crime or change the range of penalties prescribed for an existing crime;

(3) [~~imposes~~] impose or [~~removes~~] remove mandatory minimum terms of imprisonment; or

(4) [~~modifies~~] modify the law governing

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release of inmates in such a way that the time served in prison will increase or decrease.

B. Upon reviewing a bill, the institute shall prepare a fiscal impact statement and make recommendations to the legislature as to whether the bill would improve the criminal justice system. A fiscal impact statement shall reflect the estimated change in annual operating costs for the corrections department attributable to the bill if it becomes law and include details concerning any increase or decrease in the inmate population; provided that the estimated change in annual operating costs shall reflect the largest annual change from the projected change for the six fiscal years following the effective date of the law and shall be calculated in current dollars. [~~The fiscal impact statement shall include details concerning any increase or decrease in the inmate population.~~]

C. If the [~~New Mexico sentencing commission~~] institute does not have sufficient information to project the fiscal impact, the fiscal impact statement shall state that there is insufficient information to estimate the fiscal impact.

D. The corrections department shall annually provide the [~~New Mexico sentencing commission~~] institute with:

(1) the average operating costs per inmate and the number of inmates in adult correctional facilities; and

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(2) admissions and release data for all inmates in adult correctional facilities.

E. The judiciary shall annually provide the [~~New Mexico sentencing commission~~] institute with requested data necessary to prepare fiscal impact statements.

F. As used in this section, "operating costs" means all costs other than capital outlay costs for state-operated adult correctional facilities and privately operated adult correctional facilities."

SECTION 8. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SYSTEM MODERNIZATION AND REFORM--PLANNING COMMITTEES--TEN-YEAR STRATEGIC PLANNING PROCESS.--

A. The institute is responsible for facilitating a ten-year strategic planning process to modernize the criminal justice system. The strategic goals of the process are to:

(1) develop policies to reduce crime and recidivism and improve public safety;

(2) innovate:

(a) criminal justice procedures;

(b) prevention and intervention programs for potential offenders;

(c) correctional and rehabilitation programs for offenders; and

(d) services and supports for victims;

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(3) enhance education and training programs for criminal justice professionals and support career development for other criminal justice system workers;

(4) update technology, information systems, facilities and other criminal justice system infrastructure; and

(5) effectively and efficiently manage funding for the criminal justice system.

B. The strategic planning process shall proceed in the following phases:

(1) phase one shall begin on July 1, 2027 and end on June 30, 2029;

(2) phase two shall begin on July 1, 2029 and end on June 30, 2031;

(3) phase three shall begin on July 1, 2031 and end on June 30, 2033; and

(4) phase four shall begin on July 1, 2033 and end on June 30, 2037.

C. The institute's powers and duties regarding the strategic planning process shall be managed by the committees of the commission provided for in this section. The committees shall convene regularly throughout the strategic planning process and shall be responsible for developing strategic objectives that further the goals established in Subsection A of this section. Each committee provided for in this section

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shall elect a chair from among the committee's members.

D. The "executive planning committee" shall provide general oversight of the strategic planning process, coordinate the work of the other committees and approve the strategic goals developed by the other committees. The members of the executive planning committee shall be designated by the respective appointing authorities from among the following appointed members of the commission:

(1) one of the public members appointed by the governor;

(2) one of the public members appointed by the president pro tempore of the senate;

(3) the public member appointed by the minority floor leader of the senate;

(4) one of the public members appointed by the speaker of the house of representatives;

(5) the public member appointed by the minority floor leader of the house of representatives;

(6) one of the public members appointed by the chief justice of the supreme court; and

(7) the public member appointed by the president of the state bar of New Mexico.

E. The "data governance committee" shall be appointed by the commission from among the commission's members. The data governance committee is responsible for the

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parts of the strategic planning process concerned with improving the collection, maintenance and evaluation of criminal justice system data and with assessing the performance metrics of the criminal justice system, assessing the effectiveness of criminal justice system pilot projects, evaluating policy proposals and monitoring the implementation of reforms.

F. The "system capacity and innovation committee" shall be appointed by the commission from among the commission's members. The system capacity and innovation committee is responsible for the parts of the strategic planning process concerned with assessing the size and composition of the criminal justice system workforce, the capital needs of the criminal justice system and the metrics used to measure the effects of criminal justice system programs. Policy proposals developed by the committee shall focus on improving the effectiveness and efficiency of the criminal justice system.

G. The "workforce credentialing committee" shall be appointed by the commission from among the commission's members. The workforce credentialing committee is responsible for the parts of the strategic planning process concerned with enhancing education and training for criminal justice professionals and establishing training and continuing education, standards and practices and career pathways for

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other criminal justice system workers.

H. The "financial accountability committee" shall be appointed by the commission from among the commission's members. The financial accountability committee is responsible for the parts of the strategic planning process concerned with improving the management of criminal justice system funding. The committee shall also make recommendations to the commission regarding priorities for grant programs administered by the commission and for the expenditure of special appropriations made to the commission.

I. The "juvenile justice committee" shall be appointed by the commission from among the commission's members. The juvenile justice committee is responsible for the parts of the strategic planning process concerned with the modernization of the elements of the criminal justice system specifically related to delinquency and juvenile justice. The juvenile justice committee shall adapt the strategic objectives and specific strategies developed by the other committees for application to delinquency and juvenile justice systems and procedures."

SECTION 9. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CRIMINAL JUSTICE SYSTEM MODERNIZATION FUND.--The "criminal justice system modernization fund" is created in the state treasury. The fund consists of

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appropriations, distributions, grants, donations and income from investment of the fund. Money in the fund is appropriated to the institute for the ten-year strategic planning process to modernize the criminal justice system as provided in the New Mexico Criminal Justice Institute Act. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the executive director of the institute or the executive director's authorized representative. Any unexpended balance in the fund remaining at the end of fiscal year 2037 shall revert to the general fund."

SECTION 10. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] TEN-YEAR STRATEGIC PLANNING PROCESS--PHASE ONE.--

A. Phase one of the ten-year strategic planning process shall focus on:

(1) assessing and improving the institute's capacity to facilitate the process and securing necessary information and human and capital resources;

(2) assessing and understanding the current state of the criminal justice system; and

(3) the initial development of strategic objectives to further the strategic goals.

B. On or before December 1, 2027, the executive

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planning committee shall direct the relevant committees to:

(1) identify weaknesses, threats, strengths and opportunities within the criminal justice system and, if substantial weaknesses or imminent threats are identified, develop short-term goals to address or mitigate those weaknesses and threats;

(2) conduct an analysis of national or international best practices for criminal justice policies; and

(3) conduct a financial analysis of short-term and long-term funding options for the criminal justice system.

C. On or before December 1, 2028, the executive planning committee shall finalize a report on phase one of the strategic planning process. The report shall identify the strategic objectives developed by the committees and explain how the objectives will further the strategic goals for the criminal justice system. As applicable, the report shall also provide policy proposals or legislative recommendations for consideration during the 2029 legislative session. Copies of the report shall be provided to the governor, the legislature and the administrative office of the courts."

SECTION 11. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] TEN-YEAR STRATEGIC PLANNING PROCESS--PHASE TWO.--

A. Phase two of the strategic planning process

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shall focus on the development of specific strategies to meet the strategic objectives developed during phase one of the strategic planning process.

B. On or before September 1, 2029, the executive planning committee shall approve:

(1) phase two work plans for the other committees;

(2) an expenditure plan that covers the commission's and the committees' work for the entirety of phase two; and

(3) an expenditure plan for phase two grant awards.

C. Phase two grant awards shall be made from the criminal justice system modernization fund for pilot projects approved by the executive planning committee that support the development of specific strategies to meet the strategic objectives; provided that the pilot projects are:

(a) administered by an agency of the state, a political subdivision of the state or a private nonprofit organization that provides direct services to persons involved in the criminal justice system or at risk of becoming involved in the criminal justice system;

(b) reasonably calculated to assist in the development of a specific strategy or to test a specific strategy already developed by the committees;

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(c) research- or evidence-based or based on nationally or internationally recognized best practices; and

(d) monitored by the executive planning committee.

D. The executive planning committee shall approve metrics to evaluate pilot projects that receive phase two grant awards.

E. On or before December 1, 2031, the executive planning committee shall finalize a report on phase two of the strategic planning process and shall submit the report to the governor, the legislature and the administrative office of the courts. The report shall:

(1) identify the specific strategies developed and explain how the strategies will allow the criminal justice system to meet the strategic objectives;

(2) include detailed descriptions of all expenditures made from the phase two development fund and, if an expenditure was a grant for a pilot project, a detailed explanation of whether the project was successful; and

(3) policy proposals or recommendations for implementing the specific strategies during phase three of the strategic planning process."

SECTION 12. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] TEN-YEAR STRATEGIC PLANNING PROCESS--PHASE

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THREE.--

A. Phase three of the strategic planning process shall focus on implementing the specific strategies developed during phase two of the strategic planning process. During phase three, the committees shall begin to develop proposals for long-term statewide policies that are aligned with the specific strategies.

B. On or before September 1, 2031, the executive planning committee shall approve:

(1) phase three work plans for the other committees;

(2) an expenditure plan that covers the commission's and the committees' work for the entirety of phase three; and

(3) an expenditure plan for phase three grant awards.

C. Phase three grant awards shall be made from the criminal justice system modernization fund for pilot projects approved by the executive planning committee that support the implementation of the specific strategies; provided that the pilot projects are:

(1) administered by an agency of the state or a political subdivision of the state;

(2) reasonably calculated to improve the capacity, effectiveness and efficiency of the criminal justice

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system through the configuration and staffing of criminal justice system agencies;

(3) monitored by the executive planning committee; and

(4) to implement the specific strategies developed during phase two of the strategic planning process, develop curricula and credentialing programs for the criminal justice system workforce or develop a plan to transition all criminal justice system credentialing and certification duties to the higher education department.

D. The executive planning committee shall approve metrics to evaluate pilot projects that receive phase three grant awards.

E. On or before December 1, 2031, the executive planning committee shall finalize a report on phase three of the strategic planning process and shall submit the report to the governor, the legislature and the administrative office of the courts. The report shall include:

(1) an explanation of the committees' work to implement the specific strategies;

(2) the proposals developed by the committees for long-term statewide policies based on the specific strategies;

(3) an assessment of the criminal justice workforce capacity pilot projects that received a grant from

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the phase three development fund and the executive planning committee's recommendations, as applicable; and

(4) the plan developed to transition all criminal justice system credentialing and certification duties to the higher education department."

SECTION 13. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] TEN-YEAR STRATEGIC PLANNING PROCESS--PHASE FOUR.--

A. Phase four of the strategic planning process shall focus on the evaluation of the specific strategies implemented during phase three of the strategic planning process and the implementation of statewide policies that are aligned with the specific strategies. If the legislature adopted the curricula and credentialing programs for the criminal justice system workforce and the plan to transition all criminal justice system credentialing and certification duties to the higher education department that were developed by the committees during phase three, phase four shall also focus on the implementation of those curricula and programs and that plan.

B. On or before June 30, 2035, the commission shall create a system performance dashboard, which shall be a digital system that measures the effectiveness and efficiency of the criminal justice system. The system performance dashboard

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shall compile statewide data, judicial district data, adult and juvenile data and demographic data. The dashboard shall also provide for the measurement of the following metrics:

(1) crime statistics by offense category;

(2) arrests and disposition by offense category;

(3) pretrial detention by offense category;

(4) the use and success rate of deflection and diversion agreements;

(5) sentences ordered by offense category;

(6) dismissals by offense category;

(7) probation and parole outcomes; and

(8) recidivism by cause.

C. On or before December 1 of each year during phase four, the executive planning committee shall finalize a report on the progress of phase four of the strategic planning process and shall submit the report to the governor, the legislature and the administrative office of the courts. The report shall include policy proposals and legislative recommendations as applicable."

SECTION 14. A new section of Chapter 31 NMSA 1978 is enacted to read:

"[NEW MATERIAL] ADDITIONAL POWERS AND DUTIES OF THE EXECUTIVE PLANNING COMMITTEE.--

A. The executive planning committee shall:

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(1) periodically monitor law enforcement agencies, the courts and detention and correctional facilities to ensure compliance with state law;

(2) each fiscal year, monitor the expenditure of money appropriated for law enforcement, detention and correctional facilities and criminal pretrial, probation and parole programs; and

(3) immediately report suspected violations of law, personnel mismanagement and misuse of public money to the proper authority.

B. The executive planning committee may:

(1) inspect, copy, receive and review records under the authority of the institute as provided in Section 6 of this 2027 act;

(2) in discharging the committee's oversight duties, request the assistance of the state auditor, the secretary of finance and administration, the personnel director or the executive director of the state ethics commission; provided that if the assistance of such officer is requested by the committee, the officer shall provide the requested assistance; and

(3) request the institute to initiate an action pursuant to the Declaratory Judgment Act or a civil action to enforce the provisions of the New Mexico Criminal Justice Institute Act or the terms of a grant program

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administered by the institute.

C. For each legislative session during the ten-year strategic planning process, the executive planning committee shall review each bill the institute is required to review pursuant to Section 7 of this 2027 act and each bill that appropriates money for expenditure for the criminal justice system and shall submit a recommendation to the legislature as to whether the bill furthers or conflicts with the approved plan."

SECTION 15. Section 31-18-15 NMSA 1978 (being Laws 1977, Chapter 216, Section 4, as amended) is amended to read:

"31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS DEDUCTIONS.--

A. As used in a statute that establishes a noncapital felony, the following defined felony classifications and associated basic sentences of imprisonment are as follows:

FELONY CLASSIFICATION	BASIC SENTENCE
first degree felony resulting in the death of a child	life imprisonment
first degree felony for aggravated criminal sexual penetration	life imprisonment
first degree felony	eighteen years imprisonment

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second degree felony resulting in the death of a human being	eighteen years imprisonment
second degree felony for a sexual offense against a child	fifteen years imprisonment
second degree felony for sexual exploitation of children	twelve years imprisonment
second degree felony	nine years imprisonment
third degree felony resulting in the death of a human being	six years imprisonment
third degree felony for a sexual offense against a child	six years imprisonment
third degree felony for sexual exploitation of children	eleven years imprisonment
third degree felony	three years imprisonment
fourth degree felony for sexual exploitation of children	ten years imprisonment
fourth degree felony	eighteen months imprisonment.

B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted and sentenced pursuant to Subsection A of this section, unless the court alters the

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sentence pursuant to the provisions of the Criminal Sentencing Act.

C. A period of parole shall be imposed only for felony convictions wherein a person is sentenced to imprisonment of more than one year, unless the parties to a proceeding agree that a period of parole should be imposed. If a period of parole is imposed, the court shall include in the judgment and sentence of each person convicted and sentenced to imprisonment in a corrections facility designated by the corrections department authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978. If imposed, the period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant to Subsection A of this section together with alterations, if any, pursuant to the provisions of the Criminal Sentencing Act.

D. When a court imposes a sentence of imprisonment pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978 and suspends or defers the basic sentence of imprisonment provided pursuant to the provisions of Subsection A of this section, the period of parole shall be served in accordance with the provisions of Section 31-21-10 NMSA 1978 for the degree of felony for the basic sentence for which the inmate was convicted. For the purpose of designating a period of parole, a court shall not consider that the basic sentence

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of imprisonment was suspended or deferred and that the inmate served a period of imprisonment pursuant to the provisions of the Criminal Sentencing Act.

E. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed:

(1) for a first degree felony resulting in the death of a child, seventeen thousand five hundred dollars ($17,500);

(2) for a first degree felony for aggravated criminal sexual penetration, seventeen thousand five hundred dollars ($17,500);

(3) for a first degree felony, fifteen thousand dollars ($15,000);

(4) for a second degree felony resulting in the death of a human being, twelve thousand five hundred dollars ($12,500);

(5) for a second degree felony for a sexual offense against a child, twelve thousand five hundred dollars ($12,500);

(6) for a second degree felony for sexual exploitation of children, five thousand dollars ($5,000);

(7) for a second degree felony, ten thousand dollars ($10,000);

(8) for a third degree felony resulting in the

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death of a human being, five thousand dollars ($5,000);

(9) for a third degree felony for a sexual offense against a child, five thousand dollars ($5,000);

(10) for a third degree felony for sexual exploitation of children, five thousand dollars ($5,000);

(11) for a third or fourth degree felony, five thousand dollars ($5,000); or

(12) for a fourth degree felony for sexual exploitation of children, five thousand dollars ($5,000).

F. When the court imposes a sentence of imprisonment for a felony offense, the court shall indicate whether or not the offense is a serious violent offense as defined in Section 33-2-34 NMSA 1978. The court shall inform an offender that the offender's sentence of imprisonment is subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. If the court fails to inform an offender that the offender's sentence is subject to those provisions or if the court provides the offender with erroneous information regarding those provisions, the failure to inform or the error shall not provide a basis for a writ of habeas corpus.

[~~G. No later than October 31 of each year, the New Mexico sentencing commission shall provide a written report to the secretary of corrections, all New Mexico criminal court judges, the administrative office of the district attorneys and~~

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~~the chief public defender. The report shall specify the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses, as defined in Section 33-2-34 NMSA 1978, due to meritorious deductions earned by prisoners during the previous fiscal year pursuant to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. The corrections department shall allow the commission access to documents used by the department to determine earned meritorious deductions for prisoners.~~]"

SECTION 16. Section 31-20-5.2 NMSA 1978 (being Laws 2003 (1st S.S.), Chapter 1, Section 7) is amended to read:

"31-20-5.2. SEX OFFENDERS--PERIOD OF PROBATION--TERMS AND CONDITIONS OF PROBATION.--

A. When a district court defers imposition of a sentence for a sex offender, or suspends all or any portion of a sentence for a sex offender, the district court shall include a provision in the judgment and sentence that specifically requires the sex offender to serve an indeterminate period of supervised probation for a period of not less than five years and not in excess of twenty years. A sex offender's period of supervised probation may be for a period of less than twenty years if, at a review hearing provided for in Subsection B of this section, the state is unable to prove that the sex offender should remain on probation. Prior to placing a sex offender on probation, the district court shall conduct a

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hearing to determine the terms and conditions of supervised probation for the sex offender. The district court may consider any relevant factors, including:

(1) the nature and circumstances of the offense for which the sex offender was convicted or adjudicated;

(2) the nature and circumstances of a prior sex offense committed by the sex offender;

(3) rehabilitation efforts engaged in by the sex offender, including participation in treatment programs while incarcerated or elsewhere;

(4) the danger to the community posed by the sex offender; and

(5) a risk and needs assessment regarding the sex offender, developed by [~~the sex offender management board of the New Mexico sentencing commission or another~~] an appropriate entity, to be used by appropriate district court personnel.

B. A district court shall review the terms and conditions of a sex offender's supervised probation at two and one-half year intervals. When a sex offender has served the initial five years of supervised probation, the district court shall also review the duration of the sex offender's supervised probation at two and one-half year intervals. When a sex offender has served the initial five years of supervised

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probation, at each review hearing the state shall bear the burden of proving to a reasonable certainty that the sex offender should remain on probation.

C. The district court may order a sex offender placed on probation to abide by reasonable terms and conditions of probation, including:

(1) being subject to intensive supervision by a probation officer of the corrections department;

(2) participating in an outpatient or inpatient sex offender treatment program;

(3) a probationary agreement by the sex offender not to use alcohol or drugs;

(4) a probationary agreement by the sex offender not to have contact with certain persons or classes of persons; and

(5) being subject to alcohol testing, drug testing or polygraph examinations used to determine if the sex offender is in compliance with the terms and conditions of [~~his~~] the sex offender's probation.

D. The district court shall notify the sex offender's counsel of record of an upcoming probation hearing for a sex offender, and the sex offender's counsel of record shall represent the sex offender at the probation hearing. When a sex offender's counsel of record provides the court with good cause that the counsel of record should not represent the

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sex offender at the probation hearing and the sex offender is subsequently unable to obtain counsel, the district court shall notify the chief public defender of the upcoming probation hearing and the chief public defender shall make representation available to the sex offender at that hearing.

E. If the district court finds that a sex offender has violated the terms and conditions of [~~his~~] the sex offender's probation, the district court may revoke [~~his~~] the sex offender's probation or may order additional terms and conditions of probation.

F. As used in this section, "sex offender" means a person who is convicted of, pleads guilty to or pleads nolo contendere to any one of the following offenses:

(1) kidnapping, as provided in Section 30-4-1 NMSA 1978, when committed with intent to inflict a sexual offense upon the victim;

(2) criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 NMSA 1978;

(3) criminal sexual contact of a minor in the second or third degree, as provided in Section 30-9-13 NMSA 1978;

(4) sexual exploitation of children in the second degree, as provided in Section 30-6A-3 NMSA 1978; or

(5) sexual exploitation of children by

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prostitution in the first or second degree, as provided in Section 30-6A-4 NMSA 1978."

SECTION 17. Section 31-21-10.1 NMSA 1978 (being Laws 2003 (1st S.S.), Chapter 1, Section 9, as amended by Laws 2007, Chapter 68, Section 4 and by Laws 2007, Chapter 69, Section 4) is amended to read:

"31-21-10.1. SEX OFFENDERS--PERIOD OF PAROLE--TERMS AND CONDITIONS OF PAROLE.--

A. If the district court sentences a sex offender to a term of incarceration in a facility designated by the corrections department, the district court shall include a provision in the judgment and sentence that specifically requires the sex offender to serve an indeterminate period of supervised parole for a period of:

(1) not less than five years and not in excess of twenty years for the offense of kidnapping when committed with intent to inflict a sexual offense upon the victim, criminal sexual penetration in the third degree, criminal sexual contact of a minor in the fourth degree or sexual exploitation of children in the second degree; or

(2) not less than five years and up to the natural life of the sex offender for the offense of aggravated criminal sexual penetration, criminal sexual penetration in the first or second degree, criminal sexual contact of a minor in the second or third degree or sexual exploitation of children

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by prostitution in the first or second degree.

A sex offender's period of supervised parole may be for a period of less than the maximum if, at a review hearing provided for in Subsection C of this section, the state is unable to prove that the sex offender should remain on parole.

B. Prior to placing a sex offender on parole, the board shall conduct a hearing to determine the terms and conditions of supervised parole for the sex offender. The board may consider any relevant factors, including:

(1) the nature and circumstances of the offense for which the sex offender was incarcerated;

(2) the nature and circumstances of a prior sex offense committed by the sex offender;

(3) rehabilitation efforts engaged in by the sex offender, including participation in treatment programs while incarcerated or elsewhere;

(4) the danger to the community posed by the sex offender; and

(5) a risk and needs assessment regarding the sex offender, developed by [~~the sex offender management board of the New Mexico sentencing commission or another~~] an appropriate entity, to be used by appropriate parole board personnel.

C. When a sex offender has served the initial five years of supervised parole, and at two and one-half year

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intervals thereafter, the board shall review the duration of the sex offender's supervised parole. At each review hearing, the attorney general shall bear the burden of proving by clear and convincing evidence that the sex offender should remain on parole.

D. The board may order a sex offender released on parole to abide by reasonable terms and conditions of parole, including:

(1) being subject to intensive supervision by a parole officer of the corrections department;

(2) participating in an outpatient or inpatient sex offender treatment program;

(3) a parole agreement by the sex offender not to use alcohol or drugs;

(4) a parole agreement by the sex offender not to have contact with certain persons or classes of persons; and

(5) being subject to alcohol testing, drug testing or polygraph examinations used to determine if the sex offender is in compliance with the terms and conditions of the sex offender's parole.

E. The board shall require electronic real-time monitoring of every sex offender released on parole for the entire time the sex offender is on parole. The electronic monitoring shall use global positioning system monitoring technology or any successor technology that would give

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continuous information on the sex offender's whereabouts and enable law enforcement and the corrections department to determine the real-time position of a sex offender to a high level of accuracy.

F. The board shall notify the chief public defender of an upcoming parole hearing for a sex offender pursuant to Subsection C of this section, and the chief public defender shall make representation available to the sex offender at the parole hearing.

G. If the board finds that a sex offender has violated the terms and conditions of the sex offender's parole, the board may revoke the sex offender's parole or may modify the terms and conditions of parole.

H. The provisions of this section shall apply to all sex offenders, except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act.

I. As used in this section, "sex offender" means a person who is convicted of, pleads guilty to or pleads nolo contendere to any one of the following offenses:

(1) kidnapping, as provided in Section 30-4-1 NMSA 1978, when committed with intent to inflict a sexual offense upon the victim;

(2) aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third

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degree, as provided in Section 30-9-11 NMSA 1978;

(3) criminal sexual contact of a minor in the second, third or fourth degree, as provided in Section 30-9-13 NMSA 1978;

(4) sexual exploitation of children in the second degree, as provided in Section 30-6A-3 NMSA 1978;

(5) sexual exploitation of children by prostitution in the first or second degree, as provided in Section 30-6A-4 NMSA 1978; or

(6) child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978."

SECTION 18. Section 31-28-2 NMSA 1978 (being Laws 2019, Chapter 192, Section 6, as amended) is amended to read:

"31-28-2. DEFINITION.--As used in the Crime Reduction Grant Act, [~~"commission" means the New Mexico sentencing commission~~] "institute" means the New Mexico criminal justice institute."

SECTION 19. Section 31-28-3 NMSA 1978 (being Laws 2019, Chapter 192, Section 7, as amended) is amended to read:

"31-28-3. CRIMINAL JUSTICE COORDINATING COUNCILS CREATED--COMPOSITION--DUTIES.--

A. A criminal justice coordinating council is created for each judicial district. [~~and shall include representation from within the district for~~] Each criminal

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justice coordinating council shall be convened by the chief judge of the district court in each judicial district. Each criminal justice coordinating council consists of:

(1) a representative of each court in the district;

(2) the district attorney or the district attorney's designee;

(3) [~~the district~~] a representative of the local public defender office;

(4) a representative of each law enforcement [~~agencies~~] agency in the district; and

(5) [~~jails~~] a representative of each county detention center in the district.

[~~(6) behavioral health programs; and~~

~~(7) other agencies and entities agreed upon by the council.~~

~~B. Each criminal justice coordinating council shall be convened by the chief judge of the district court in the judicial district. The commission shall assist in the organization of the criminal justice coordinating councils.~~

~~C. Each criminal justice coordinating council shall select a chair at its first meeting. The first meeting of each council shall take place by August 1, 2019, and the council shall subsequently meet at the call of the chair, but not less than ten months per year.~~

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~~D. Each criminal justice coordinating council shall organize itself and adopt rules in a manner appropriate to accomplish its duties pursuant to the Crime Reduction Grant Act.~~]

B. A criminal justice coordinating council may agree, in accordance with the council's adopted bylaws, to extend membership to representatives of behavioral health programs or other agencies or organizations involved in the criminal or juvenile justice system.

[~~E.~~] C. A criminal justice coordinating council shall:

(1) meet at least quarterly;

(2) adopt bylaws to carry out its functions in accordance with the Crime Reduction Grant Act;

(3) develop a strategic plan to meet the requirements of this section; [~~and shall~~

~~(1)~~] (4) review the criminal justice system in the judicial district, including judicial processes, law enforcement, community corrections alternatives and sufficiency of jail and detention facilities;

[~~(2)~~] (5) identify criminal justice system problems in the judicial district;

[~~(3)~~] (6) develop data-driven policies and evidence-based best practices designed to improve public safety outcomes, cost-effective responses to crime and fair and

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efficient adjudication processes;

[~~(4)~~] (7) facilitate applications from its members for crime reduction grants pursuant to the Crime Reduction Grant Act and vote to approve or disapprove applications;

[~~(5)~~] (8) facilitate sharing of criminal justice information between agencies as permitted by law; and

[~~(6)~~] (9) in consultation with the [~~commission~~] institute, develop data-sharing agreements and methods of data sharing to allow system-wide analysis of criminal justice operations within the judicial district and throughout the state.

[~~F.~~] D. Executive agencies and the administrative office of the courts shall provide prompt responses to criminal justice coordinating council requests for information."

SECTION 20. Section 31-28-4 NMSA 1978 (being Laws 2019, Chapter 192, Section 8, as amended) is amended to read:

"31-28-4. APPLICATIONS FOR GRANTS--PURPOSES--CONDITIONS.--

A. A member of a criminal justice coordinating council [~~with the consent of the council~~] may apply to the [~~commission~~] institute for a grant to accomplish any of the enumerated purposes provided in Subsection B of this section.

B. Crime reduction grants may be made to:

(1) develop, expand and improve evidence-based

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treatment and supervision alternatives to incarceration;

(2) reduce barriers to participation by criminal offenders in preprosecution diversion or specialty court programs;

(3) develop or improve pretrial service programs;

(4) develop or improve coordination of services between [~~law enforcement agencies and~~] members of a criminal justice coordinating council, treatment programs and other community programs;

(5) establish law enforcement crisis intervention teams;

(6) coordinate access to programs for transitional or reentry homes for individuals recently released from incarceration;

[~~(7) recruit or retain law enforcement officers, prosecutors, public defenders, corrections officers and mental health workers;~~

~~(8)~~] (7) develop or expand digitized records;

[~~(9)~~] (8) develop or expand the ability of a criminal justice coordinating council member to share data with, and access data on, the statewide criminal justice data integration platform;

[~~(10)~~] (9) develop or expand data-driven policing programs and pretrial services, deterrence, diversion

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and deflection programs; and

[~~(11) staff a criminal justice coordinating council; and~~

~~(12)~~] (10) purchase equipment or provide training to support any of the purposes provided in this section.

C. Crime reduction grants shall [~~be conditioned on the~~] not be disbursed unless the application was approved by the recipient's criminal justice coordinating council. [~~and the recipient member complying with the following~~] The institute shall condition grants on a recipient's agreement to:

(1) [~~using~~] not use more than five percent of a total grant award for administrative costs; [~~of the recipient;~~

~~(2) in consultation with the commission, developing data-sharing agreements and methods of data sharing among criminal justice agencies and with the commission to allow system-wide analysis of criminal justice operations within the judicial district and statewide;~~

~~(3) using or developing~~] (2) use evidence-based best practices for [~~any~~] programs [~~operated with~~] funded by crime reduction grants;

[~~(4) developing performance measures in consultation with the commission relevant to the grantee's application;~~]

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(3) develop performance measures to evaluate the effectiveness of programs funded by crime reduction grants;

[~~(5) collecting~~] (4) collect data to evaluate the effectiveness of programs [~~operated with~~] funded by crime reduction grants;

[~~(6) evaluating quarterly the process, outputs, outcomes and other performance measures of programs funded with grants for compliance with all provisions of the Crime Reduction Grant Act;~~

~~(7) providing~~] (5) enter a data-sharing agreement with the institute for the institute's system-wide analysis of the operation of the criminal justice system;

(6) provide a quarterly report to the [~~commission~~] institute for review and comparison with other programs receiving grants for similar purposes; and

[~~(8) providing an annual report to the commission by October 1 of each year~~] (7) provide a final report to the institute regarding program outcomes from use of the grant.

[~~D. The commission shall assist with the implementation of data-sharing agreements to ensure compliance with crime reduction grants.~~

~~E. The commission may consider any outcome reported to it by a grant recipient from a previous year in making a determination of whether to make subsequent grants or the~~

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~~amount of a subsequent grant.~~]"

SECTION 21. Section 31-28-5 NMSA 1978 (being Laws 2019, Chapter 192, Section 9, as amended) is amended to read:

"31-28-5. RULES.--The New Mexico criminal justice commission shall promulgate [~~uniform procedural~~] rules necessary for the institute to administer the provisions of the Crime Reduction Grant Act."

SECTION 22. Section 31-28-6 NMSA 1978 (being Laws 2019, Chapter 192, Section 10, as amended) is amended to read:

"31-28-6. REPORTS.--The [~~commission~~] institute shall report to the legislature annually [~~by November 1 of each year~~] regarding the:

A. applications for grants made during the previous fiscal year by each criminal justice coordinating council;

B. purpose and amount of each grant approved by the commission for each member for the previous fiscal year; and

C. processes, outputs and outcomes resulting from the use of [~~the~~] each grant."

SECTION 23. Section 31-28-7 NMSA 1978 (being Laws 2023, Chapter 60, Section 6) is amended to read:

"31-28-7. CRIME REDUCTION GRANT FUND CREATED--PURPOSE.--The "crime reduction grant fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The [~~commission~~] institute shall administer the fund, and money in the fund is

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subject to appropriation to the [~~commission~~] institute to administer the provisions of the Crime Reduction Grant Act and award crime reduction grants to members of criminal justice coordinating councils to spur local innovation in criminal justice reform, pursuant to the Crime Reduction Grant Act. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the [~~chair of the commission~~] executive director of the institute or the [~~chair's~~] executive director's authorized representative. The [~~commission~~] institute may expend no more than three percent of the balance of the fund each fiscal year for administering the Crime Reduction Grant Act; provided that the institute may expend up to an additional two percent of that balance to evaluate the effectiveness of projects funded by a grant in current or previous fiscal years. No money in the fund may be expended in any way except as provided by the Crime Reduction Grant Act."

SECTION 24. Section 31-29-2 NMSA 1978 (being Laws 2021, Chapter 58, Section 2) is amended to read:

"31-29-2. DEFINITIONS.--As used in the Uniform Collateral Consequences of Conviction Act:

A. "collateral consequence" means a collateral sanction or a disqualification;

B. "collateral sanction" means a penalty, disability or disadvantage, however denominated, imposed on an

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individual as a result of the individual's conviction of an offense that applies by operation of law, whether or not the penalty, disability or disadvantage is included in the judgment or sentence. "Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment or costs of prosecution;

C. "convicted" and "conviction" include an adjudication as a youthful offender or serious youthful offender that results in an adult sentence;

D. "decision-maker" means the state acting through the following entities or their employees:

(1) a department;

(2) an agency;

(3) an officer; or

(4) an instrumentality, including a political subdivision, an educational institution, a board or a commission or a government contractor, including a subcontractor, made subject to the Uniform Collateral Consequences of Conviction Act by contract, by law other than the Uniform Collateral Consequences of Conviction Act or by ordinance;

E. "disqualification" means a penalty, disability or disadvantage, however denominated, that an administrative agency, governmental official or court in a civil proceeding is

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authorized, but not required, to impose on an individual on grounds relating to the individual's conviction of an offense;

F. "identification agency" means the New Mexico [~~sentencing commission~~] criminal justice institute, acting in conjunction with the district attorneys of New Mexico and the attorney general;

G. "offense" means a felony pursuant to the law of New Mexico, another state or the United States;

H. "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity; and

I. "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States."

SECTION 25. Section 31-30-2 NMSA 1978 (being Laws 2022, Chapter 56, Section 39) is amended to read:

"31-30-2. DEFINITIONS.--As used in the Violence Intervention Program Act:

[~~A. "commission" means the New Mexico sentencing commission;~~

~~B.~~] A. "community-based service provider" means an entity that is eligible to be awarded a contract to provide

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services that accomplish the purposes of the Violence Intervention Program Act;

[~~C.~~] B. "department" means the department of health; and

[~~D.~~] C. "grantee" means a state agency, county, municipality or tribal government that has applied for and received funding pursuant to the Violence Intervention Program Act for the purposes of addressing gun violence and aggravated assaults in a locally focused geographic area."

SECTION 26. Section 31-30-5 NMSA 1978 (being Laws 2022, Chapter 56, Section 42) is amended to read:

"31-30-5. GRANT AWARDS.--

A. On or after July 1, 2022, the department shall receive and review applications for grants from the violence intervention program fund. The department may make grants from the fund to state agencies, counties, municipalities or tribal governments that the department finds are disproportionately impacted by violent crimes, including homicides, shootings and aggravated assaults.

B. The department shall make awards of grants from the fund in accordance with the following limitations:

(1) grant awards shall be made to at least two counties, municipalities or tribal governments with a population of fifty thousand or less according to the most recent annual university of New Mexico intercensal population

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estimate;

(2) at least twenty percent of the total annual amount appropriated to the fund shall be awarded to counties or municipalities with a population of five hundred forty thousand or greater according to the most recent federal decennial census; and

(3) the department of health shall utilize the funds in accordance with department of finance and administration guidelines."

SECTION 27. Section 31-30-6 NMSA 1978 (being Laws 2022, Chapter 56, Section 43) is amended to read:

"31-30-6. APPLICATION REQUIREMENTS.--

A. Each application for a grant from the violence intervention program fund shall include:

(1) clearly defined, measurable objectives for a proposal to improve public health and safety through evidence-based violence reduction interventions;

(2) a comprehensive violence reduction strategic plan, including consistent quality improvement and quality assurance measures, and a description of the strategies and tasks developed by a state agency, county, municipality or tribal government describing the goals of the plan, including community-based services or joint community-based services and law enforcement intervention strategies;

(3) a description of how a grant award would

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be used if awarded; and

(4) a list of community-based service providers in the locally focused geographic area in which the grant funds would be used, including those with an expressed commitment to participating in a violence intervention program.

B. The [~~commission~~] New Mexico criminal justice institute shall provide state agencies, counties, municipalities and tribal governments with data relevant to grant applications.

C. An applicant shall notify the appropriate criminal justice coordinating council established pursuant to Section 31-28-3 NMSA 1978 of its grant application."

SECTION 28. Section 31-30-9 NMSA 1978 (being Laws 2022, Chapter 56, Section 46) is amended to read:

"31-30-9. REPORTS.--

A. Each grantee shall report to the department and the [~~commission~~] New Mexico criminal justice institute by November 1 of each year regarding the:

(1) purpose and amount of each grant received by the grantee for the previous fiscal year; and

(2) processes, outputs and outcomes resulting from each grant approved by the department for the previous fiscal year, including relevant data as required by department rules.

B. Each year through 2027, the department and the

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[~~commission~~] New Mexico criminal justice institute shall report to the legislature by December 1 regarding the awards and outcomes of each grantee."

SECTION 29. Section 33-3B-2 NMSA 1978 (being Laws 2007, Chapter 333, Section 2) is amended to read:

"33-3B-2. DEFINITIONS.--As used in the County Detention Facility Reimbursement Act:

A. "county detention facility" means a facility that is owned, operated or under contract of operation by a board of county commissioners and that is used for the incarceration of prisoners charged with or convicted of a violation of local, state, tribal, federal or international law;

B. "division" means the local government division of the department of finance and administration;

C. "dual supervision offender" means an individual who is serving a probation term and a parole term;

D. "eligible county" means a county that provides information to the New Mexico [~~sentencing commission~~] criminal justice institute regarding costs incurred by the county for the incarceration of felony offenders;

E. "felony offender" means an individual who is convicted of a felony and sentenced to confinement in a correctional facility designated by the corrections department and who:

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(1) has been released from confinement and is a dual supervision offender and:

(a) has violated parole or is charged with a parole violation;

(b) has violated probation or is charged with a probation violation; or

(c) while on probation or parole, is charged with a violation of local, state, tribal, federal or international law;

(2) has been released from confinement and is serving a parole term and:

(a) has violated parole or is charged with a parole violation; or

(b) while on parole, is charged with a violation of local, state, tribal, federal or international law; or

(3) is awaiting transportation and commitment to the corrections department following the revocation of parole or a sentencing hearing for a felony conviction; and

F. "fund" means the county detention facility reimbursement fund."

SECTION 30. Section 33-3B-3 NMSA 1978 (being Laws 2007, Chapter 333, Section 3) is amended to read:

"33-3B-3. INCARCERATION OF FELONY OFFENDERS IN COUNTY DETENTION FACILITIES--RATE OF REIMBURSEMENT.--

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A. The distribution amount for each eligible county each fiscal year shall be derived by multiplying the total amount of money available in the fund for distribution pursuant to this section by the felony offender incarceration percentage for that county. The felony offender incarceration percentage shall be equal to a fraction:

(1) the numerator of which is the rolling average of the number of felony offenders incarcerated in an eligible county on June 30 of each of the three fiscal years immediately preceding the fiscal year in which the distribution is to be made pursuant to Section 4 of the County Detention Facility Reimbursement Act; and

(2) the denominator of which is the rolling average of the number of felony offenders incarcerated in all eligible counties on June 30 of each of the three fiscal years immediately preceding the fiscal year in which the distribution is to be made pursuant to Section 4 of the County Detention Facility Reimbursement Act.

B. Annually, on or before December 1, the New Mexico [~~sentencing commission~~] criminal justice institute shall:

(1) determine the felony offender incarceration percentage for each eligible county;

(2) calculate the distribution amount for each eligible county by applying the formula in Subsection A of this

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section; and

(3) certify to the division the felony incarceration percentage and the distribution amount for each eligible county."

SECTION 31. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES--RULES.--

A. On July 1, 2027, all functions, personnel, money records, furniture, equipment, supplies and other property belonging to the New Mexico sentencing commission shall be transferred to the New Mexico criminal justice institute.

B. On July 1, 2027, all contractual obligations of the New Mexico sentencing commission shall be binding on the New Mexico criminal justice institute.

C. On July 1, 2027, all statutory references to the director of the New Mexico sentencing commission or the executive director of the New Mexico sentencing commission shall be deemed references to the executive director of the New Mexico criminal justice institute.

D. All rules of the New Mexico sentencing commission shall remain effective until repealed or amended by the New Mexico criminal justice commission.

SECTION 32. APPROPRIATIONS.--

A. One million five hundred thousand dollars ($1,500,000) is appropriated from the general fund to the

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criminal justice system modernization fund for expenditure in fiscal year 2028 and subsequent fiscal years; provided that:

(1) the money appropriated shall be used by the New Mexico criminal justice institute to contract for studies to assess the capacity of the criminal justice workforce in accordance with the institute's duties during phase one of the ten-year strategic planning process to modernize the criminal justice system;

(2) the studies contracted for shall assess the current staffing structure, pay and benefit system, staffing needs and infrastructure and technology needs of:

(a) state and local law enforcement agencies;

(b) state and local emergency medical services;

(c) correctional institutions and detention facilities;

(d) probation and parole services;

(e) district attorney offices;

(f) the public defender department; and

(g) municipal, magistrate, metropolitan and district courts; and

(3) any unexpended balance remaining at the end of a fiscal year shall not revert to the general fund.

B. One million dollars ($1,000,000) is appropriated

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from the general fund to the criminal justice system modernization fund for expenditure in fiscal year 2028 and subsequent fiscal years; provided that:

(1) the money appropriated shall be used by the New Mexico criminal justice institute to contract for studies to assess the credentialing processes for criminal justice system workers in accordance with the institute's duties during phase one of the ten-year strategic planning process to modernize the criminal justice system;

(2) the studies contracted for shall assess the adequacy of the current education, certification, training and continuing education requirements for the following criminal justice system workers compared to national standards and best practices:

(a) law enforcement support staff;

(b) emergency medical services professionals and paraprofessionals;

(c) paraprofessionals employed by district attorney offices;

(d) state and local corrections officers; and

(e) probation and parole officers and juvenile probation officers; and

(3) any unexpended balance remaining at the end of a fiscal year shall not revert to the general fund.

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SECTION 33. REPEAL.--Sections 9-3-10.2 and 9-3-13 NMSA 1978 (being Laws 1994, Chapter 19, Section 3 and Laws 2003 (1st S.S.), Chapter 1, Section 1, as amended) are repealed.

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