OVERVIEW OF PROPOSED 2027 LEGISLATION TO MODERNIZE THE NEW MEXICO CRIMINAL JUSTICE SYSTEM

Prevention/Emergency Response/Law Enforcement/Prosecution/Defense/Diversion/Courts/Corrections/Re-entry

Implementation of 2026 HM 13: 10-Year Plan for Criminal Justice System

November 4, 2026

Legislation proposed by Indivisible SOS Santa Fe and associated advocates

Contact: Rachel Feldman, rlfeldman1949@gmail.com, 703-798-1018

Primary Legislation:

- "New Mexico Criminal Justice Institute Act"
- "New Mexico Deflection Act" with appropriation to Sentencing Commission for 4 year pilot program

Special Appropriations included in Criminal Justice Institute Act

- for purposes of procuring studies that assess justice system capacity related to both work force and technology
- for purposes of procuring studies that assess the training, continuing education, and credentialing needs for the justice system workforce
- Note, the recurring appropriation to fund the institute is not yet included in the .3 version but is on the order of $1.2 million over the first two years, and then annually with inflation based on legislative response to reports.

Introduction

This legislation is based on the input and ideas of hundreds of citizens and justice system professionals, discussions in dozens of legislative hearings, interviews with justice system leaders in other states, and research on justice system modernization efforts across the US and in a dozen other industrialized countries, many of which undertook 10-Year plans for related purposes. It is based on a "systems" analysis of the justice system that follows individuals through the system and examines where the system fails New Mexicans. It does not focus on specific crimes, penalties, or the existing agencies in the justice system.

It builds upon the many ongoing and innovative efforts underway across the state in many agencies and efforts such as the 2025 legislation creating the Competency & Mental Health Commission planning at judicial district and state levels. It hard-

wires essential linkages to coordinate resources. 2026 House Memorial 13 outlined critical system failures that make problem definition and solution difficult and called for a 10-year plan to address:

- Unacceptably high levels of serious crime
- Unacceptably high rates of recidivism
- Inadequate prevention and consequences for low level offenders
- Inadequate data and system evaluation
- Inadequate workforce and technological capacity
- Inadequate training and credentialing
- Inadequate links among the siloes in the system leading to inefficiency and system failures.
- Inadequate oversight and accountability for system performance

This project is non-partisan, and seeks to integrate the work of the legislature, the executive branch and the courts. It assumes good will throughout the justice system in its leaders and workforce, seeking to integrate the ideas and vision of stakeholders in strengthening the entire system in the interests of justice, public safety, and accountable government.

Draft Proposed Legislation:

The Criminal Justice Institute: A Policy & Planning Authority

The core legislation defines an authority and planning process housed in an Institute for Criminal Justice at UNM. The Institute incorporates the existing Sentencing Commission and expands its scope of work to modernize the entire criminal justice system. The Sentencing Commission was formed by legislation more than 20 years ago with diverse objectives that at one time included some oversight at the systems level. Over time, its focus changed with leadership and decreased funding. However, it is the only independent bi-partisan body with leadership appointed by the legislature, the executive, and the courts. Its members represent most of the critical stakeholders in the criminal justice system. It has a small staff, functions as an effective commission addressing diverse issues including data integration, juvenile justice, legislation review, corrections tracking and sentencing.

The New Authority

The Institute will transform the "commission" members to serve as its Board of Directors, with an Executive Planning Committee. It is bi-partisan and appointed by the Executive, Legislature, and Judiciary. Five standing committees comprised of members will carry out the work to develop the 10-year plan in four phases. The plan addresses state level policy and strategic objectives to improve system performance. The Five Committees include:

- Data Governance: will identify, standardize, develop reporting and audit requirements, and system level performance metrics, resulting in a real time dashboard at state, judicial district, and county levels. It will evaluate programs and monitor implementation.
- System Capacity & Innovation: will assess workforce and technology capacity and make recommendations to increase capacity, throughput, efficiency, and expand prevention/diversion/specialty programs throughout the system.
- Workforce Credentialing: will create and update a continuum of education/training and credentialing requirements for the justice system workforce, ensure continuing education and career paths, and incorporate a pipeline-through-retirement pathway of career development in the higher education system.
- Finance & Accountability: will identify the full scope of financing opportunities and recommend approaches to efficiently support system performance, including monitoring grant programs and legislative appropriations.
- Juvenile Justice: will examine how best to restructure the juvenile justice system integrating the work of the other committees into this planning process.

Four planning phases are defined with deadlines that align with the 60 day legislative sessions. Each phase includes a series of required reports by the Executive Planning Committee on the work and recommendations of the standing committees to the legislature, executive, and courts. Each phase has objectives that will be further elaborated once the committees begin their work.

- Phase 1: Identify weaknesses, strengths, threats & opportunities and short-term strategies to mitigate weaknesses & threats. Analyze national and international best practices in criminal justice policy. Conduct initial financial analysis of criminal justice system. Report on phase 1 with

strategic objectives from all committees, recommendations for legislation, executive action, and court operations.

- Phase 2: Implementation of Phase 1 short term strategies including Phase 2 grant programs and results of assessments. Progress reports from all committees, recommendations for legislation, executive action, and court operations.
- Phase 3: Implementation of Phase 2 plans including grant programs. Recommend long-term statewide policy aligned with specific strategies. Develop plans for curriculum and credentialing for justice system workforce, potential transition into higher education system. Metrics for system performance in grant programs. Report on implementation of first 3 phases of plan.
- Phase 4: Focus on implementation of strategies from first 3 phases, and evaluation of programs. Annual progress reports. Before 6/30/2035, design for data dashboard completed for at least 8 specific categories of justice system outcomes: crime statistics by offense category, arrest & disposition by offense category, pre-trial detention by offense category, use & success of deflection & diversion, sentences by offense category, dismissals by offense category, probation & parole outcomes, and recidivism by cause. Dashboard delivered by 2036.

A fund is created to support procurements, consultation, grants and other work of the Institute. The Executive Planning Committee will monitor: law enforcement, detention & correctional facilities and courts for compliance with law and expenditures across the system, reporting violations to appropriate authorities. Access to all justice system information is provided preserving confidentiality status. The Commission will review justice system legislation each session, reporting its findings. The judicial district coordinating councils will report their work to the Institute, and the Institute may seek input from the councils.

Draft Proposed Legislation: The New Mexico Deflection Act

Analysis of diverse local prevention efforts reveals a lack of any state policy framework for prevention programs as well as lack of stability in funding effective efforts. Seventeen states enacted some form of policy for deflection (pre-arrest diversion) programs, and more than a thousand programs are operating around the US, many having been evaluated and demonstrated reductions in crime and

caseloads. Sufficient evaluation data and experience across the country exist to initiate policy and demonstration projects based on successful models.

Deflection programs train and authorize first responders to offer low level offenders service plans in lieu of arrest and detention. Those accepting such plans work with a case manager, funded in the proposed demonstration, and if they follow through on the plan, charges are dismissed. If they fail the plan, the case manager triggers law enforcement to proceed with filing charges, delivering consequences early in an individual's experience with criminal activity.

The legislation sets forth the concepts and policy framework, within which communities would develop their programs selecting the offenses eligible for deflection, any criteria applied to offender eligibility, and tailor programs to the services available in the county. With experience, communities may expand eligibility, particularly as services are expanded. At least 5 pilots in different types of counties will be funded for a 4 year demonstration. Grant funding will support case managers and data/reporting infrastructure. The Institute will evaluate the programs.

This legislation takes advantage of efforts in a number of NM counties to experiment with pre-arrest diversion. It would be expected to have a short-term impact decreasing caseloads for prosecutors and public defenders, while diverting many early offenders to the services they need to keep them out of the criminal justice system. These efforts should align with the expansion of services under the Competency and Mental Health Commission efforts to expand behavioral health services, and can engage communities in customizing their own efforts to address the needs of vulnerable populations such as youth and unhoused people. Demonstration counties will advise evaluators on sustainability issues.

Appropriations

- **The Institute:** the Institute will require a recurring appropriation for staff to support the planning process, consultants**,** and operational infrastructure. Recurring cost are expected to be in the $1.25 million range after being phased in over the first two years.
- **Non-recurring Capacity Analysis Procurement:** The Capacity & Innovation Committee needs considerable data to meet its objectives, and approximately $1.5 million in special appropriations to the Commission would be used to procure studies that address:

- Target numbers of FTE for different positions to ensure efficient throughput of criminal offenders from arrest through probation & parole.
- Staffing structures including new roles for civilians that will leverage lawyers and sworn law enforcement officers.
- Upgrades to and expansion of technology that will leverage lawyers and sworn law enforcement officers.
- Upgrades to and expansion of technology that will increase the efficiency and throughput of tracking offenders from arrest through probation & parole.
- Assessment of retirement programs to support retention of experienced justice system professionals.

Studies address the following sectors:

- Law enforcement (State police, sheriff/municipal/tribal, campus)
- Emergency management (911/988 dispatch) and mobile crisis response
- Corrections personnel in state prisons and county/municipal detention
- Probation & Parole
- Lawyers and civilian paraprofessionals in District Attorney Offices[i]
- District Court, Municipal & Magistrate judges
- Case managers and "navigators"

- **Non-recurring Justice System Workforce Education & Credentialing Assessment:** The workforce credentialing committee will need assessment information to develop detailed objectives and strategies. New Mexico has a number of training programs that are out-of-date and may not meet national standards, and credentialing is uneven or missing in a number of areas. Approximately $1 million is needed. Assessments will be performed for the following sectors of the justice system workforce:
  - Emergency management (911/988 dispatch) and mobile crisis response.
  - Key law enforcement specialties identified by survey.[ii]
  - Civilian paraprofessionals in District Attorney Offices

- Case managers and “navigators” that link District Attorney Offices with the courts.
- Corrections officers in the prisons and detention centers
- Adult probation and parole officers
- Juvenile probation officers

Assessments will identify gaps between current qualifications and training requirements and those that are recommended to be evidence based and conform to both national standards and the evolving demands for the work in New Mexico. Assessments will address both knowledge content and effective adult education methods that ensure integration of knowledge with practice.

---

[i] Note the Law Office of the Public Defender has recently had the capacity analysis for target numbers of lawyers done, but will benefit from examination of staffing structures and technology.

[ii] A contract for complete replacement of basic law enforcement training is underway, but does not go beyond basic to certification by waiver, field training officer, or continuing education.