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HOUSE BILL

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIME; ENACTING THE CRIME REDUCTION FUND ACT;  
CREATING THE CRIME REDUCTION FUND; PROVIDING FOR DISTRIBUTIONS  
FROM THE FUND; REQUIRING THE NEW MEXICO SENTENCING COMMISSION  
TO ISSUE RULES AND REPORT ANNUALLY TO THE LEGISLATURE; CREATING  
CRIMINAL JUSTICE COORDINATING COUNCILS IN EACH JUDICIAL  
DISTRICT; MAKING APPROPRIATIONS.

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

**SECTION 1.** [NEW MATERIAL] CRIMINAL JUSTICE COORDINATING  
COUNCILS CREATED--COMPOSITION--DUTIES.--

A. A "criminal justice coordinating council" for  
each judicial district is created and is administratively  
attached to the administrative office of the courts. The  
administrative office of the courts shall provide staff for  
each council.

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1           B. Each criminal justice coordinating council shall  
2 be composed of the following members or their designees:

3                   (1) the chief judge of the district court in  
4 the judicial district;

5                   (2) the chief judge of the magistrate court in  
6 the judicial district;

7                   (3) the district attorney;

8                   (4) the district public defender of the  
9 judicial district;

10                  (5) a representative from each tribe located  
11 in whole or in part in the judicial district;

12                  (6) the chair of the board of county  
13 commissioners of each county in the judicial district;

14                  (7) the mayor of each municipality located in  
15 whole or in part in the judicial district;

16                  (8) the county sheriff of each county in the  
17 judicial district;

18                  (9) the chief of each police department in the  
19 judicial district;

20                  (10) the president of each university located  
21 in whole or in part in the judicial district;

22                  (11) the director of the administrative office  
23 of the courts;

24                  (12) a representative of the adult probation  
25 and parole division of the corrections department;

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1 (13) a representative of the children, youth  
2 and families department;

3 (14) a representative of the behavioral health  
4 services division of the human services department;

5 (15) the executive director of New Mexico  
6 counties;

7 (16) the executive director of the New Mexico  
8 municipal league; and

9 (17) up to three members of the public  
10 appointed by the chair with approval of seventy-five percent of  
11 the members of the council.

12 C. Each criminal justice coordinating council shall  
13 elect a chair at its first meeting. The first meeting of each  
14 council shall take place by August 1, 2019, and each council  
15 shall subsequently meet at the call of the chair, but not less  
16 than monthly.

17 D. Each criminal justice coordinating council shall  
18 organize itself and adopt rules in a manner appropriate to  
19 accomplish its duties pursuant to this 2019 act.

20 E. Public members of a council may receive per diem  
21 and mileage pursuant to the Per Diem and Mileage Act and shall  
22 receive no other compensation, perquisite or allowance.

23 F. A criminal justice coordinating council shall:

24 (1) review the criminal justice system in the  
25 judicial district, including judicial processes, law

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1 enforcement, community corrections alternatives and sufficiency  
2 of jail and detention facilities;

3 (2) identify changes to improve the ability of  
4 agencies or organizations to carry out their duties in the  
5 criminal justice system;

6 (3) apply as necessary to the New Mexico  
7 sentencing commission for crime reduction grants pursuant to  
8 the Crime Reduction Fund Act;

9 (4) share information between agencies as  
10 permitted by law; and

11 (5) develop data-sharing agreements and  
12 methods of data sharing to allow system-wide analysis of  
13 criminal justice operations within the judicial district.

14 G. Executive agencies and the administrative office  
15 of the courts shall provide prompt responses to criminal  
16 justice coordinating council requests for information.

17 H. As used in this section, "university" means a  
18 four-year post-secondary educational institution listed in  
19 Article 12, Section 11 of the constitution of New Mexico,  
20 including any branches thereof, or a public college or  
21 community college.

22 SECTION 2. [NEW MATERIAL] SHORT TITLE.--Sections 2  
23 through 7 of this act may be cited as the "Crime Reduction Fund  
24 Act".

25 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Crime Reduction Fund Act:

2 A. "commission" means the New Mexico sentencing  
3 commission;

4 B. "fund" means the crime reduction fund;

5 C. "tribe" means an Indian nation, tribe or pueblo  
6 located wholly or partly in New Mexico; and

7 D. "university" means a four-year post-secondary  
8 educational institution listed in Article 12, Section 11 of the  
9 constitution of New Mexico, including any branches thereof, or  
10 a public college or community college.

11 SECTION 4. [NEW MATERIAL] CRIME REDUCTION FUND.--The  
12 "crime reduction fund" is created in the state treasury. The  
13 fund consists of appropriations, gifts, grants, donations and  
14 income from investment of the fund. Money in the fund shall  
15 not revert to any other fund at the end of a fiscal year. The  
16 commission shall administer the fund. Ten percent of the money  
17 in the fund is appropriated to the commission to administer the  
18 provisions of the Crime Reduction Fund Act. The remaining  
19 balance in the fund is appropriated to the commission for  
20 distribution to counties, municipalities, tribes, courts or  
21 universities pursuant to the provisions of the Crime Reduction  
22 Fund Act. Money in the fund shall be disbursed on warrants  
23 signed by the secretary of finance and administration pursuant  
24 to vouchers signed by the chair of the commission or the  
25 chair's authorized representative.

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1           SECTION 5.   ~~[NEW MATERIAL]~~ DISTRIBUTIONS.--

2           A.   Annually, on or before April 15, the commission  
3 shall consider and determine the relative needs as requested by  
4 criminal justice coordinating councils on behalf of counties,  
5 municipalities, tribes, courts or universities for  
6 distributions of money in the fund.

7           B.   The commission shall distribute not more than  
8 eleven and twenty-five hundredths percent of the money in the  
9 fund annually, not including ten percent of the money in the  
10 fund reserved for administration of the Crime Reduction Fund  
11 Act, for any of the following purposes:

12                   (1) to develop, expand and improve treatment  
13 and supervision alternatives to incarceration;

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

17                   (3) to develop or improve coordination of  
18 services between law enforcement agencies and treatment  
19 programs;

20                   (4) to establish law enforcement crisis  
21 intervention teams;

22                   (5) to provide access to transitional or  
23 reentry homes for individuals recently released from  
24 incarceration;

25                   (6) to develop or improve pretrial service

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1 programs;

2 (7) to recruit or retain law enforcement  
3 officers, prosecutors, public defenders, corrections officers  
4 and mental health workers; or

5 (8) to purchase equipment to support any of  
6 the purposes provided in this section.

7 C. The commission may distribute money from the  
8 fund to a county, municipality, tribe, court or university for  
9 any purpose described in Subsection B of this section; provided  
10 that a distribution is conditioned upon agreement by the  
11 county, municipality, tribe, court or university that it will:

12 (1) not use more than ten percent of a  
13 distribution from the fund for administrative costs;

14 (2) collect and share data as required by the  
15 commission;

16 (3) use evidence-based best practices for any  
17 programs operated with distributions from the fund;

18 (4) evaluate the efficacy of the use of the  
19 money in real time; and

20 (5) provide a report to the commission by  
21 October 1 of each year regarding outcomes from its use of the  
22 money distributed.

23 D. The commission may consider any outcome reported  
24 to it by a county, municipality, tribe, court or university  
25 from a previous year in making a determination of whether to

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1 distribute, or the amount to distribute, to that entity.

2 SECTION 6. [NEW MATERIAL] RULES.--The commission shall  
3 adopt rules necessary to administer the provisions of the Crime  
4 Reduction Fund Act.

5 SECTION 7. [NEW MATERIAL] REPORTS.--The commission shall  
6 report to the legislature annually by December 1 of each year  
7 regarding the:

8 A. requests made during the previous fiscal year by  
9 each criminal justice coordinating council on behalf of  
10 counties, municipalities, tribes, courts or universities for  
11 distributions of money in the fund;

12 B. distribution amounts from the fund approved by  
13 the commission for each county, municipality, tribe, court or  
14 university for the previous fiscal year;

15 C. purpose of each distribution approved for the  
16 previous fiscal year; and

17 D. outcomes resulting from the use of the money  
18 distributed during the previous fiscal year.

19 SECTION 8. APPROPRIATION.--Five million dollars  
20 (\$5,000,000) is appropriated from the general fund to the crime  
21 reduction fund for expenditure in fiscal year 2020 and  
22 subsequent fiscal years for the purposes of that fund. Any  
23 unexpended or unencumbered balance remaining at the end of a  
24 fiscal year shall not revert to the general fund.

25 SECTION 9. APPROPRIATION.--Nine hundred seventy-five

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1 thousand dollars (\$975,000) is appropriated from the general  
2 fund to the administrative office of the courts for expenditure  
3 in fiscal year 2020 to provide administrative support to each  
4 criminal justice coordinating council created pursuant to the  
5 Crime Reduction Fund Act. Any unexpended or unencumbered  
6 balance remaining at the end of fiscal year 2020 shall revert  
7 to the general fund.

8 SECTION 10. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2019.