

HOUSE BILL 144

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Dayan Hochman-Vigil and Cristina Parajón
and Patricia Roybal Caballero

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO GUN VIOLENCE; CREATING THE OFFICE OF GUN VIOLENCE PREVENTION AND INTERVENTION; HCPAC→~~CREATING THE DIRECTOR SELECTION COMMITTEE;~~←HCPAC PROVIDING POWERS AND DUTIES; REQUIRING ANNUAL REPORTS HCPAC→; ~~MAKING AN APPROPRIATION~~←HCPAC

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Office of Gun Violence Prevention and

.227133.1AIC January 31, 2024 (8:45pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

Intervention Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Office of Gun Violence Prevention and Intervention Act:

HCPAC→~~A. "committee" means the director selection committee;~~←HCPAC

HCPAC→~~B.~~←HCPAC HCPAC→~~A.~~←HCPAC "department" means the department of health;

HCPAC→~~C.~~←HCPAC HCPAC→~~B.~~←HCPAC "director" means the director of the office;

HCPAC→~~D.~~←HCPAC HCPAC→~~C.~~←HCPAC "office" means the office of gun violence prevention and intervention; and

HCPAC→~~E.~~←HCPAC HCPAC→~~D.~~←HCPAC "resource bank" means the collection of materials and resources pertaining to gun violence in New Mexico as described in the Office of Gun Violence Prevention and Intervention Act.

SECTION 3. [NEW MATERIAL] OFFICE ESTABLISHED.--There is established the "office of gun violence prevention and intervention" in the department.

SECTION 4. [NEW MATERIAL] DIRECTOR--APPOINTMENT--QUALIFICATIONS.--The director shall be appointed by the HCPAC→~~committee for a term of six years, except that the initial term shall begin on July 1, 2024 and shall end on December 31, 2024. The director may be reappointed to successive terms.~~ An←HCPAC HCPAC→governor and is an exempt employee. The←HCPAC appointed director shall have all the

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

duties, responsibilities and authority of that office during the period of time prior to appointment of a new director.

HCPAC→~~The director shall be removed only for malfeasance, misfeasance or abuse of office by a unanimous vote of the committee.~~←HCPAC The director shall be a qualified person with previous administrative experience in data collection and gun violence prevention.

SECTION 5. [NEW MATERIAL] DIRECTOR--POWERS AND DUTIES--EMPLOYEES OF THE OFFICE.--

A. The director may:

(1) adopt and promulgate rules pertaining to the office; and

(2) hire and contract for such professional, technical and support staff as needed to carry out the functions of the office; provided that such hiring and contracting be without regard to party affiliation and solely on the grounds of competence and fitness to perform the duties of the position. Employees of the office are subject to the provisions of the Personnel Act.

B. The director shall:

(1) oversee and manage the office; and
(2) assign and distribute the work of the office.

HCPAC→~~SECTION 6. [NEW MATERIAL] DIRECTOR SELECTION COMMITTEE--DUTIES.--~~

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

~~A. The "director selection committee" is created and consists of nine members, including:~~

~~(1) four members who are selected by the New Mexico legislative council, no more than two of whom are from the same political party;~~

~~(2) four members who are selected by the governor, no more than two of whom are from the same political party; and~~

~~(3) a committee chair, whom a majority of the other eight members select and who is not a candidate for the position of director.~~

~~B. The committee shall meet exclusively for the purpose of hiring a qualified person to fill a current or impending vacancy in the position of director. The committee shall actively solicit, accept and evaluate applications for the position of director and may require applicants to submit any information that the committee deems relevant to the consideration of applications. Within thirty days after the occurrence of a vacancy in the director position, the committee shall convene and, within thirty days of convening, select a qualified director from the committee's list of applicants by a majority of the committee. The committee shall set the salary of the director.~~ ←HCPAC

SECTION HCPAC→7.←HCPAC HCPAC→6.←HCPAC [NEW MATERIAL]

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

RESOURCE BANK.--

A. The office shall create and maintain a resource bank of regularly updated and accurate materials and resources as a repository for data, research and statistical information regarding gun violence in New Mexico with a focus on public health, education and racial equity. The HCPAC→office shall←HCPAC HCPAC→department shall, within the injury and violence prevention program,←HCPAC ensure that all identifying information of individuals be removed before any data, research or statistical information is shared.

B. As part of maintaining the resource bank, the office shall:

- (1) assist researchers who are seeking information about gun violence in New Mexico;
- (2) collaborate with research institutions, hospitals, public health departments, police departments and organizations that conduct gun violence research to:
 - (a) identify gaps in available data needed for gun violence prevention research and develop strategies to improve relevant data collection in New Mexico;
 - (b) gather and analyze data regarding petitions filed under the Extreme Risk Firearm Protection Order Act;
 - (c) use existing available research to enhance evidence-based gun violence prevention tools and

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

resources available to New Mexico communities; and

(d) improve the understanding of disproportionate barriers to safety from gun violence by encouraging disaggregation of data by race and ethnicity when research is conducted;

(3) promote new and relevant research regarding gun violence prevention and make this research accessible to researchers and the public;

(4) facilitate coordination among state agencies, localities and nongovernmental organizations to address gun violence comprehensively;

(5) conduct gun violence prevention awareness and outreach campaigns;

(6) outline best practices for preventing gun violence and provide tools and resources for addressing the different types of gun violence within the state; and

(7) collaborate with the New Mexico law enforcement academy to assist with gun violence prevention education and training for officers.

SECTION HCPAC→8.←HCPAC HCPAC→7.←HCPAC [NEW MATERIAL]

FEDERAL AND OTHER GRANTS.--

A. The office shall identify and apply for available federal grants and other funding to gather and disseminate data and information regarding gun violence in New Mexico with a focus on public health, education and racial and

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

economic equity. The office may work in collaboration with other state departments and partners to identify and apply for federal grants and other funding.

B. The office may, at the discretion of the director, provide funding from grants and other funding to outside organizations to further the directives of the office.

SECTION HCPAC→9.←HCPAC HCPAC→8.←HCPAC [NEW MATERIAL] REPORT.--The office shall make a report to the legislature of its findings and recommendations. The report and suggested legislation shall be made available to the New Mexico legislative council on or before December 15 of each year. The office shall make the report publicly available on the office's website or, if the office does not have a dedicated website, on the office's web page of the department's website.

HCPAC→SECTION 9. APPROPRIATION.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the department of health for expenditure in fiscal year 2025 to hire or contract employees to perform the duties of the Office of Gun Violence Prevention and Intervention Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 shall revert to the general fund.←HCPAC

SECTION 10. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2024.