

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 10 MARCH 2025 *Check all that apply:*
Bill Number: HB428 cj Original ☐ Correction ☐
Amendment ☒ Substitute ☐

Sponsor: Micaela Lara Cadena **Agency Name and Code** 790 – Department of Public Safety
Short Title: RULES DEFINITIONS FOR CORRECTIONS **Number:** _____
Person Writing Dale R. Wagoner
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

The amendments made to HB425jc is as follows:

1. On page 1, line 18, after "OUTLETS", insert "; PROVIDING THAT A RULE SHALL NOT INCLUDE INTERNAL SECURITY PROCEDURES".
2. On page 8, line 11, after "RULES", insert "--EXEMPTIONS".
3. On page 8, line 19, strike "forty-five" and insert in lieu thereof "thirty".
4. On page 8, line 24, strike the closing quotation mark and between lines 24 and 25, insert:
"C. As used in this section, a rule shall not include internal security procedures related to:
(1) inmate escape;
(2) hostage and riot response;
(3) crisis negotiation response teams;
(4) correctional emergency response teams;
(5) emergency preparedness management unit;
(6) security threat intelligence units;
(7) facility design;
(8) perimeter security, including towers, rovers, vehicle controls, traffic and gate controls; or
(9) the management of a correctional facility's schedules, transport details, command center, master control or housing unit controls and their functions."".

The original HB428 Provides that the corrections department shall adopt such rules concerning New Mexico inmates, probationers and parolees under the supervision of the corrections department as shall best accomplish their confinement and rehabilitation. Prior to the adoption, amendment or repeal of such rules, the corrections department shall: (1) provide forty-five days for public comment; and (2) publish notice of the proposed action in a newspaper or trade, industrial or professional publications as will reasonably give the public notice to interested persons, as well as in all corrections facilities.

FISCAL IMPLICATIONS

The amendment will have no fiscal impact to DPS.

No fiscal impact to DPS.

SIGNIFICANT ISSUES

The amendment has no significant issues to DPS.

No significant issues to DPS.

PERFORMANCE IMPLICATIONS

The amendment will have no performance implications for DPS.

No performance implications to DPS.

While the bill offers benefits in terms of transparency and public participation in rule-making for the correctional system, there are potential challenges to consider. The process of holding a 45-day public

comment period before adopting any new rules or making amendments might slow down the department's ability to respond quickly to emerging issues in corrections or new findings about effective rehabilitation strategies. The process outlined in the bill may be too slow for addressing urgent or emergency needs within the correctional system. For instance, if a sudden need arises for policy changes related to overcrowding, health emergencies, or inmate safety, the 45-day comment period could significantly delay necessary reforms.

Additionally, the corrections department may face significant administrative challenges in managing a 45-day public comment period, especially if the department is understaffed or lacks the infrastructure to effectively monitor and respond to public input. The process of reviewing, summarizing, and addressing public comments could be time-consuming and resource-intensive. This could delay the adoption of necessary rules and place additional pressure on the department's personnel.

Lastly, reaching and engaging a diverse range of stakeholders, especially those who are most impacted by the corrections system (e.g., incarcerated individuals, families of parolees, or communities that are disproportionately affected by the criminal justice system), can be challenging. The proposed method of public notice (through newspapers, trade publications, and notices in correctional facilities) may not be effective in reaching all affected populations, particularly those with limited access to these mediums. As a result, the feedback gathered may not fully reflect the perspectives of those directly impacted.

ADMINISTRATIVE IMPLICATIONS

The amendment will have no administrative implications to DPS.

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

The amendment has not technical issues to DPS.

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

The amendment has no substantive issues to DPS.

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.