

LFC Requester:	
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## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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}*

Check all that apply:

Original                  Amendment  
Correction              Substitute    X

Date Prepared: 2025-03-03  
Bill No: SB54

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:

Agency Name    CYFD 69000  
and Code  
Number:  
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Analysis:  
Phone:

Short    CRIMINAL JUSTICE  
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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Senate Judiciary Committee Substitute for SB 54 does not appear to affect CYFD. Therefore, the original analysis is included below.

The bill adds language to include public defenders and district attorneys in increased loan repayment awards and language that prioritizes health care professions who provide behavioral health services to incarcerated individuals and to those supervised by DOC in loan repayment and award criteria. Licensed clinical social worker or licensed counselor is added to the definition of health professional.

The definition of Crisis is expanded to include autism spectrum disorder, substance use disorder or co-occurring disorder. Adds mental illness, substance use disorder, person in crises, law enforcement deflection program, treatment, mental health professional, validated risk and needs assessment definitions to the Criminal Procedure Act 31-1-2.

New Section: Law Enforcement Deflection Program (LEDP) authority and Program Requirements added to the Criminal Procedure Act which states any law enforcement agency, first responder entity or local government may establish a LEDP in partnership with one or more licensed providers of behavioral health services or substance use disorder treatment services which can be funded by grants awarded to counties.

New Section: Encounter of A Person In Crisis added to the Criminal Procedure Act which gives law enforcement or qualified mental health professional options in resolving the nonmedical intervention without charges on a voluntary basis. This Section also requires each law enforcement agency in the state to establish a policy and procedure for interacting with a person in crisis.

The bill also establishes factors that the district attorney should consider in determining eligibility for a pre-prosecution diversion program and eliminates

“shall have no prior felony convictions for a violent crime”.

New Section: Treatment Court Diversion establishing each district court discretion in having a treatment court to include drug, mental health or other treatment-based court diversion program with the ability to determine participant eligibility criteria and guidelines.

Adds language giving magistrate, metropolitan or district court authority to impose standard probation conditions that are necessary to maintain public safety and impose special conditions necessary to the successful rehabilitation of the defendant pursuant to the results of a validated risk and needs assessment (VRNA). The VRNA required shall be in accordance with periodic validation studies and timelines established by the developer of the tool. DOC shall develop procures to ensure proper and consistent scoring of the VRNA and training for persons administering the tool. The results of a VRNA evaluation used to make treatment, program eligibility decisions, facility placement or level of supervision decisions can be included in a presentence or prerelease report. The parole board, in consultation with the director, may impose special conditions necessary for successful rehabilitation of the person and may follow the VRNA procedure.

The bill restricts the court from entering a conditional discharge order for persons found guilty of driving under the influence of intoxicating liquor or drugs unless 5 years or more have elapsed since the date of conviction.

The bill authorizes the Violence Intervention Program (VIP) to use crime mapping and data. The VIP must comply with all reporting requirements as specified and can partner with the crime victims reparation commission to identify ways that support victims of violence.

Court Education Services division of AOC shall provide continuing education and training on substance use disorders, mental health conditions and co-occurring disorders that shall occur every four years.

## **FISCAL IMPLICATIONS**

SB54 does not have fiscal implications for CYFD.

## **SIGNIFICANT ISSUES**

SB 54 requires that the Department of Corrections enforce Health Care Authority orders and rules pertaining to behavioral health. This measure adds new language

to section 2, section 9-3-10 for the NM Sentencing Commission to collect and store data in a central repository to populate a publicly accessible data dashboard. Another significant issue in this measure is to coordinate re-entry efforts for persons released from prison and detention centers and foster collaboration and communication among stakeholder groups working on re-entry issues while establishing minimum standards for re-entry.

Promotes the recruitment and retention of public defenders, district attorneys, licensed clinical social workers and licensed counselors statewide. More social workers and counselors available to work with CYFD's protective services children and families and juvenile justice services statewide would be beneficial to CYFD's service population. The utilization of collected data and crime data dashboard opportunities will allow CYFD to make informed and effective decisions regarding community-based needs and programming.

The focus on crises intervention, required training and the utilization of a standard assessment tool will promote safety, community-based treatment and resources for CYFD's service population.

Many areas of the bill are not applicable to juvenile delinquency and the juvenile justice system including juvenile detention facilities and CYFD facilities.

The impact of nonmedical intervention by law enforcement and qualified mental health professionals could result in more children and youth in CYFD custody or involved in the juvenile justice system being diverted to the provided options.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

### **AMENDMENTS**

None.