

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://AgencyAnalysis.nmlegis.gov) 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}***Date Prepared:** 03/03/2025*Check all that apply:***Bill Number:** SB54Original ☐ Correction ☐Amendment ☐ Substitute ☒**Sponsor:** Katy M. Duhigg and Janelle Anyanonu**Agency Name****and Code**790 – Department of Public Safety**Short Title:** Criminal Justice Changes**Number:****Person Writing** Sonya K. Chavez**Phone:** 505414228**Email:** Sonya.chavez@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$0.0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Esti/mated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0.0	\$0.0	\$0.0	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
<b>Total</b>	\$0.0	\$1,840.2	\$404.7	\$2,244.9	Recurring	General Fund

(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**

Senate Judiciary Committee substitute for SB54 preserves the intent of the bill as introduced and much of the substance to propose a coordinated multi-agency approach to address behavioral health issues that impact public safety and corrections statewide. The most significant changes in the substitute are on pages 64-65 where the application of authority in a behavioral health crisis is addressed.

The substitute makes the following changes that impact the Department of Public Safety (DPS).

- The New Mexico Sentencing Commission had some changes but still retains its primary new duty to create a public crime data dashboard in conjunction with the Public Safety Department, to be hosted on the Commission's website.
- The creation of the Forensic Laboratory Bureau Fund is removed from the substitute.
- The Law Enforcement Training Act contains the same changes as the original, including new provisions for training of county detention officers was moved from Section 16 and added to the end of Section 25.
- The bulk of the substitute (pages 36-54) involves changes to the Criminal Procedure Act, beginning with the Definitions section (Sec. 31-1-2), which has been changed to remove definitions for a "person in crisis," "behavioral health crisis," "law deflection program," "mental health professional," and "validated risk and needs assessment," that were in the original bill.
- A new section of the Criminal Procedure Act on page 40 entitled, "Law Enforcement Deflection Program, Authority and Program Requirements," the exact same definition for "law enforcement deflection program" has been returned to the bill.

Each law enforcement agency in the state shall establish a policy and procedure for interacting with a person experiencing a behavioral health crisis, including policies and procedures regarding the transfer of a person experiencing a behavioral health crisis to a hospital, clinic or community treatment provider and subsequent steps for wraparound care.

The Department of Public Safety, in collaboration with the New Mexico Law Enforcement Academy, shall establish guidelines and a training program to assist law enforcement agencies in implementing policies and procedures into the training program pursuant to NMSA 1978, Section 29-7-7.5.

#### **Original Bill:**

Relates to Public Safety. Proposes a coordinated multi-agency approach to addressing behavioral health issues that impact public safety and corrections statewide that includes workforce development and in-service training, system-wide behavioral health standards of care, data management and use to target law enforcement resources, crisis intervention, law enforcement deflection, medical treatment and intervention, pre-trial diversion and post-incarceration re-entry programs, and the creation of a statewide plan for community-based crisis intervention. Establishes new funds.

### **FISCAL IMPLICATIONS**

The substitute will not have an additional fiscal burden on DPS beyond the impact previously noted in the original FIR, which pertains to LEA and LERB. DPS continues to emphasize the sizeable fiscal impact of the changes requested in this bill, which completely alter who does correctional officer training. Additional details of the reasons for the impact are below.

## **LAW ENFORCEMENT RECORDS BUREAU**

The fiscal implications of SB 54 for DPS are substantial and require careful financial planning. The initial investment for upgrading the National Incident-Based Reporting System (NIBRS) is estimated at \$1.5 million. This cost includes reengineering the database to meet modern technology standards, developing interfaces for seamless data sharing among disparate law enforcement agencies, and ensuring interoperability through an API (Application Programming Interface) between DPS and other entities.

In addition to the initial investment, there are recurring costs associated with personnel and system maintenance. For fiscal year 2026, the initial personnel costs are projected at \$340,200 with recurring costs of \$329,7000 in FY 2027 and beyond. The upgrade necessitates the hiring of three (3) additional full-time employees (FTEs): two (2) Program Coordinator I positions and one (1) Program Coordinator II position. These FTEs will manage the expanded data requirements mandated by NMSA 29-3-11, overseeing integration, generating detailed reports, and providing technical support to local agencies.

Annual maintenance of the updated system is projected to begin at \$75,000 with an annual increase of approximately 4% thereafter. This funding will support the creation of a public crime data dashboard, enhance inter-agency coordination, and facilitate targeted resource allocation. Ultimately, the investment aims to improve data-driven criminal justice and behavioral health interventions across New Mexico, laying a strong foundation for a more effective and efficient public safety infrastructure.

This bill also requires DPS to create a central repository for the collection, storage, retrieval, and analysis of crime incident and arrest reports generated by ALL law enforcement agencies throughout the state. It also requires DPS to provide forms to all state law enforcement agencies and create an annual report. DPS handles a significant amount of incidents occurring statewide. It would be extremely costly and burdensome to require DPS to not only maintain all of their own records, but those of every other law enforcement agency in the state. It would also put the onus on DPS to respond to IPRA requests for all law enforcement agencies in New Mexico since this bill would require DPS to retrieve all incident and arrest reports. DPS receives thousands of IPRA requests each year relating to DPS matters. It would be unable to keep up with IPRA requests for all agencies without significant funding and additional staff.

## **SIGNIFICANT ISSUES**

### **NEW MEXICO LAW ENFORCEMENT ACADEMY**

#### **Section 12 – Training for County Detention Officers (Page 34)**

DPS and NMLEA firmly oppose the current plan to train county detention officers due lack of expertise and experience in detention officer. Police officer training focuses on enforcing laws, preventing crime, investigating incidents, and ensuring public safety in the community. Detention officer training focuses on the supervision of individuals in custody within detention facilities such as jails or prisons and maintaining order and safety within those environments.

This section introduces a new training program for county detention officers in collaboration with the Corrections Department's training academy division. Detention officers who complete the program become eligible for certification. Associated per diem, mileage, and tuition expenses are covered by the Detention and Corrections Workforce Capacity Building Fund.

Due to the inherent contrast and distinct differences between police officer training and corrections officer training, this initiative must be managed by the Department of Corrections Academy. It necessitates a standardized curriculum for all 33 county detention centers statewide, along with specialized training in areas such as crisis intervention, hostage situations, tourniquet application, and OC (oleoresin capsicum) training. The NMLEA will provide support and supplementation through trained and certified instructors. Additionally, the

NMLEA will serve in an advisory capacity to assist with curriculum development and implementation. There will be no fiscal impact to the NMLEA if the Corrections Department assumes this function.

### **Section 11 – Definitions Update (Pages 31-34)**

This section updates definitions within the Law Enforcement Training Act. It redefines terms such as “academy,” “basic law enforcement training,” and “certified regional law enforcement training facility.” The updates emphasize expanded training requirements, including new standards for officers managing crisis situations. These changes directly impact the New Mexico Law Enforcement Academy (NMLEA) by requiring revisions to training curricula and certification criteria to align with the updated definitions.

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This section introduces a new training program for county detention officers in collaboration with the Corrections Department’s training academy division. Detention officers who complete the program become eligible for certification through the NMLEA, with associated per diem, mileage, and tuition expenses covered by the Detention and Corrections Workforce Capacity Building Fund. Because training for corrections officers is drastically different than that for law enforcement officers, it is recommended that this be conducted by the New Mexico Corrections Academy, rather than the LEA. The LEA can support in a consulting role by providing models for integrating curriculum among multiple participating agencies. The Corrections Academy can utilize the model utilized by the LEA and its nine (9) satellite academies for implementing curriculum and training among the 33 county detention facilities. This will not create a fiscal impact to the NMLEA as the New Mexico Corrections Department (NMCD) concurs that it will fall under their umbrella of corrections training as their curriculum is completely different from policing. NMLEA will act in an advisory capacity to provide the model by which it acts as a compliance agency over the nine (9) law enforcement satellite academies.

It will necessitate a standardized curriculum for all 33 county detention centers statewide, along with specialized training in areas such as crisis intervention, hostage situations, tourniquet application, and OC (oleoresin capsicum) training. The NMLEA can provide support and supplementation through trained and certified instructors, and assist with curriculum development and implementation. This recommendation is not anticipated to result in any fiscal impact to the NMLEA

### **Section 13 – Crisis Management Training (Pages 35-36)**

Section 13 mandates a minimum of 40 hours of crisis management training, including de-escalation techniques and interaction with persons in crisis, within basic law enforcement training. Additionally, 8 hours of annual in-service crisis management training are required for certified officers. Pre-recorded courses cannot satisfy these requirements, ensuring hands-on, practical instruction. The addition of 6 hours in crisis management training can be accomplished by the LEA with nominal modifications. Because the existing course has a fully developed curriculum, the six hours can be easily folded in with no need for additional resources.

The NMLEA supports this legislation and anticipates minimal financial impact. The addition of six hours to the existing basic curriculum will have a nominal effect on the Academy, given the hours already required. We are well-prepared to expand the existing course with relative ease. However, we recommend against including language specifying in-person training or pre-recorded sessions, as the proposed changes apply solely to basic academy training and do not modify the scope of statute 29-7-7.5C, which governs in-service training. This proposal is not expected to result in any fiscal impact.

### **Section 16 – Encounters with Persons in Crisis (Pages 41-42)**

This section mandates that law enforcement agencies establish policies for interacting with individuals in crisis, including procedures for transferring such individuals to treatment providers or crisis teams. It requires both DPS and NMLEA to develop guidelines and training programs to assist agencies in implementing these policies. The NMLEA will need to incorporate these guidelines into its training programs and ensure that officers are prepared to manage crisis situations effectively.

As part of crisis intervention training, the NMLEA will enhance its focus on ensuring each officer thoroughly understands their respective agency's policies regarding interactions with individuals in crisis and how to apply those

policies effectively. This subject is already a significant component of existing scenario-based training. The proposed adjustment does not introduce any additional fiscal impact.

## **NEW MEXICO STATE POLICE**

**Page 64 lines 9-14: H. If a peace officer or mental health professional has probable cause to believe that a person is experiencing a behavioral health crisis and the person voluntarily consents to treatment, the peace officer may resolve the intervention by directly transferring the person...**

The above referenced section provides that a peace officer can directly transfer a person to a facility if the peace officer has probable cause to believe someone is experiencing a mental health crisis. Probable cause is a criminal law standard and is inapplicable to this type of situation. Additionally, while this section also provides that peace officers receive some training on interacting with someone experiencing a behavioral health crisis, they are not trained mental health providers and may not have the tools to make these types of determinations even with the training contemplated in this section.

Regarding Section 14, it's important to note that the successful establishment of a deflection program cannot be accomplished in isolation. It requires thoughtful planning and collaboration across multiple sectors, including behavioral health service providers, substance use disorder treatment organizations, local government agencies, and non-governmental organizations. The Department of Public Safety strongly supports the development and implementation of deflection programs, which aim to redirect individuals involved in low-level criminal offenses into supportive programs that address the underlying issues contributing to their behavior."

### **Page 35 line 4- INTERACTIONS WITH PERSONS (WITH MENTAL IMPAIRMENTS)**

We believe (with mental impairments) needs to be removed as a person in crisis does not mean they have a mental health concern. These are two distinct definitions and types of situations law enforcement may encounter or deal with.

**Page 35 line 14 - in crisis training, shall be included as a component of in-service law enforcement training pursuant to Section 29-7-7.1 NMSA 1978.**

Based on new legislative requirements, "Handling a Crisis" training is already an annual 4-hour block of training.

**Page 35 line 24 through line 2 of Page 36- a mental illness, developmental disability, posttraumatic stress disorder, dual diagnosis, autism .229100.2 spectrum disorder, substance use disorder, youth in crisis and traumatic brain injury or a co-occurring disorder."**

This is a comprehensive list, so this needs to be intended for individuals who are living with a mental health disorder, are neurodivergent, or are experiencing acute anxiety or panic due to an unresolved traumatic event.

**Page 38 line 16-18"person in crisis" means a person with mental illness or substance use disorder who is experiencing a behavioral health crisis;**

This definition doesn't fully capture what a crisis is. Mental health can be a part of a crisis, but not every crisis necessarily involves mental health issues.

**Page 41 line 13-18 A. If a law enforcement officer or qualified mental health professional has probable cause to believe that an individual is experiencing a behavioral health crisis and requires nonmedical intervention, the law enforcement officer may resolve the intervention without charges on a voluntary basis by transferring the individual to:**

We need to clarify the scope of this. In the bill "Probable cause" is defined as the belief that a crime has been committed. What criteria or sources of information are we using to identify a behavioral health crisis? It's important to note that we cannot diagnose in this context. The signs and symptoms of a mental health crisis may not always be linked to a mental health disorder or substance use. This needs to be aligned with section 43.1.10 (Emergency Mental Health Evaluation).

**Page 42 line 1 and 2 (2) a crisis-intervention-team-certified law enforcement officer or a member of a mobile crisis team; or:**

Law enforcement officers in CIT lack the necessary resources, training, experience, or credentials to handle this effectively. Instead, CIT would simply direct individuals to a resource that officers could assess on their own without turning it over to a licensed medical professional.

**Page 42 lines 17-22 D. As used in Subsection A of this section, "nonmedical intervention" means a person alleged to be severely mentally ill or experiencing a chemical dependency emergency and in such condition that immediate intervention is necessary for the protection from physical harm to self or others."**

Law enforcement are not medical professionals, nor do they possess professional qualifications. Therefore, law enforcement cannot accurately assess the severity of a mental illness or determine whether it's drug-induced. Moreover, isolating severe mental illness in this way could lead to discrimination against those with less severe conditions. Officers are not trained or equipped to make these kinds of determinations.

Page 52, line 5 amends Section 31-20-13 to allow the court to enter a conditional discharge for the crime of driving while under the influence once five (5) or more years have elapsed since the date of conviction. DPS does not support this portion of the bill. Driving while under the influence of intoxicating liquor or drugs is pervasive in New Mexico and is the cause of many deaths of innocent bystanders each year. Unlike other crimes that are bound by *State v. Linam*, 1979-NMSC-004, 600 P.2d 253, there is no limitation as to the age of a DWI prior conviction to be used to enhance a future DWI charge. DWI is one of the few carved out exceptions in which the current law provides no possibility for a conditional discharge. Providing the ability to receive a conditional discharge removes the adjudication and prevents the prosecution to use that case to enhance a future DWI charge. This kind of change is not needed here in New Mexico wherein there is such a significant DWI problem that continuously places the motoring public at risk.

Regarding Section 16, it's important to note that the successful establishment of a deflection program cannot be accomplished in isolation. It requires thoughtful planning and collaboration across multiple sectors, including behavioral health service providers, substance use disorder treatment organizations, local government agencies, and non-governmental organizations. The Department of Public Safety strongly supports the development and implementation of deflection programs, which aim to redirect individuals involved in low-level criminal offenses into supportive programs that address the underlying issues contributing to their behavior."

#### **LAW ENFORCEMENT RECORDS BUREAU**

The public crime data dashboard proposed by the Senate Judiciary Committee Substitute for Senate Bill 54 must comply with 28 CFR Part 20 and NIBRS rules, which restrict the release of personally identifiable information (PII) and criminal history data. DPS supports publishing public crime data, but some Uniform Crime Reporting (UCR) system data is non-public. Implementing access controls and ensuring compliance with federal and state regulations remains critical.

By enhancing data-sharing capabilities through the re-engineered NIBRS system, SB 54 aims to significantly improve the performance of law enforcement and public safety agencies. Access to real-time, accurate data will enable targeted resource allocation, efficient crisis intervention, and better monitoring of recidivism trends. These measures will also enhance transparency through the public crime data dashboard, allowing stakeholders to assess the effectiveness of deflection programs, MAT utilization, and behavioral health interventions. The bill's emphasis on evidence-based approaches aligns with national best practices, positioning New Mexico as a leader in data-driven criminal justice reform.

It is important to note, that 29-3-11-C (1), NMSA 1978 requires all law enforcement agencies to submit crime incident reports. However, legislative language and penalties do not exist holding non-compliant agencies accountable. For NIBRS to reach statewide success, a revision in legislative language is required.



## PERFORMANCE IMPLICATIONS

### LAW ENFORCEMENT RECORDS BUREAU

The Senate Judiciary Committee Substitute for Senate Bill 54 will improve public awareness of crime trends and support data-driven policing strategies through a crime data dashboard. The dashboard must aggregate crime data, summarizing statistics by state, county, and city levels to provide meaningful trends while preventing individual identification. Heat maps, crime categories, and historical comparisons should replace case-specific details, ensuring data remains informative yet non-identifiable.

All personally identifiable information (PII) must be redacted, protecting victims, suspects, and witnesses. The data must comply with FBI reporting standards, excluding criminal history records and investigative details. Tiered access controls, encryption, and logging will protect sensitive law enforcement data while ensuring public access to crime trends. Improper disclosures could compromise investigations, violate privacy laws, or misrepresent crime patterns, eroding public trust and impacting law enforcement operations.

It is important to note that NMSA 1978, Section 29-3-11-C (1) requires all law enforcement agencies to submit crime incident reports. However, legislative language and penalties do not exist holding non-compliant agencies accountable. For NIBRS to reach statewide success, a revision in legislative language is required.

## ADMINISTRATIVE IMPLICATIONS

The substitute does not have administrative implications.

### LAW ENFORCEMENT RECORDS BUREAU

This bill introduces significant administrative implications for state and local agencies, requiring enhanced coordination, data management, workforce training, and compliance efforts. Notably, NMSA 29-3-11 for DPS does not mandate law enforcement agencies to report data, which leads to inconsistencies in crime data collection and hinders the effectiveness of the bill's transparency and data-driven objectives.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

## TECHNICAL ISSUES

### LAW ENFORCEMENT RECORDS BUREAU

The substitute does not have technical issues.

The proposed NIBRS system upgrade presents several technical challenges, including ensuring interoperability between disparate agency systems and maintaining data accuracy across platforms. Robust privacy and security measures are essential to safeguard sensitive behavioral health and criminal justice data while complying with federal regulations such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Additionally, training law enforcement personnel on updated protocols and reporting requirements is crucial for consistent implementation. Any delays in developing interfaces or securing funding could hinder the bill's timely execution.

## OTHER SUBSTANTIVE ISSUES

### LAW ENFORCEMENT RECORDS BUREAU

The substitute does not have other substantive issues.

SB 54 reflects a shift toward addressing the root causes of criminal behavior, such as untreated behavioral health conditions, through data-driven interventions and collaborative care models. The emphasis on inter-agency coordination will foster a more unified approach to public safety and health outcomes. However, the bill must ensure that rural and underserved areas receive adequate support to participate fully in these initiatives. There are several rural law enforcement agencies that struggle financially to meet the requirements of these mandates and will therefore, need state funding to bring them up to par. Investments in infrastructure and personnel will be critical to achieving equitable access to treatment and resources statewide. The affected agencies will require up to fiscal years FY 2028 to facilitate the change.

## **ALTERNATIVES**

None identified.

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

**Status quo will remain.**

### **LAW ENFORCEMENT RECORDS BUREAU**

Failure to enact SB 54 would perpetuate systemic inefficiencies and disparities in New Mexico's criminal justice and behavioral health systems. Law enforcement and corrections would continue to lack the tools and data needed for effective resource allocation and crisis intervention. Without coordinated care models and enhanced data-sharing, recidivism rates may remain high, and individuals with behavioral health disorders will face continued incarceration instead of receiving appropriate treatment. The absence of a public crime data dashboard would limit transparency and hinder evidence-based decision-making, undermining public trust and progress toward meaningful reform.

## **AMENDMENTS**

None proposed.