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HOUSE BILL 102

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Gail Chasey

AN ACT

RELATING TO CRIME; ENACTING THE VIOLENCE INTERVENTION PROGRAM
ACT; CREATING THE VIOLENCE INTERVENTION PROGRAM FUND;
ESTABLISHING APPLICATION AND REPORTING REQUIREMENTS; CREATING
THE FIREARM INJURY AND DEATH REVIEW COMMITTEE; MAKING AN
APPROPRIATION.

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 "Violence Intervention Program Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Violence Intervention Program Act:

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

B. "committee" means the firearm injury and death
review committee;

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1 C. "community-based organization" means an entity
2 that is eligible to be awarded a contract to provide services
3 that accomplish the purposes of the Violence Intervention
4 Program Act;

5 D. "department" means the department of health; and

6 E. "grantee" means a county, municipality or tribal
7 government that has applied for and receives funding pursuant
8 to the Violence Intervention Program Act.

9 **SECTION 3. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM**
10 **FUND--CREATED--PURPOSE.--**The "violence intervention program
11 fund" is created as a nonreverting fund in the state treasury.
12 The fund consists of appropriations, gifts, grants and
13 donations. The department shall administer the fund, and money
14 in the fund is appropriated to the department to administer the
15 provisions of the Violence Intervention Program Act and award
16 violence intervention program grants to municipalities or
17 tribal governments that the department finds are
18 disproportionately impacted by violent crimes, including
19 homicides, shootings and aggravated assaults. Expenditures
20 from the fund shall be made on warrant of the secretary of
21 finance and administration pursuant to vouchers signed by the
22 secretary of health. The department may expend no more than
23 three percent of the balance of the fund each fiscal year for
24 administering the Violence Intervention Program Act. No money
25 in the fund may be expended in any way except as provided by

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1 the Violence Intervention Program Act.

2 SECTION 4. [NEW MATERIAL] VIOLENCE INTERVENTION PROGRAM
3 REQUIREMENTS.--A violence intervention program shall:

4 A. Use an evidence- or research-based public health
5 approach to reduce gun violence and aggravated assaults;

6 B. focus on deterrence, problem-oriented policing
7 and proven law enforcement strategies to reduce gun violence
8 and aggravated assaults;

9 C. target a population that is at high risk for
10 victimization that results from gun violence or aggravated
11 assault;

12 D. use data-driven methods for program development;
13 and

14 E. use program funding in a manner that is directly
15 related to the reduction of gun violence and aggravated
16 assaults.

17 SECTION 5. [NEW MATERIAL] GRANT AWARDS.--

18 A. On or after July 1, 2021, the department shall
19 receive and review applications for grants from the violence
20 intervention program fund. The department may make grants from
21 the fund to municipalities or tribal governments that the
22 department finds are disproportionately impacted by violent
23 crimes, including homicides, shootings and aggravated assaults.

24 B. The department shall make awards of grants from
25 the fund in accordance with the following limitations:

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1 (1) grant awards shall be made to at least two
2 municipalities or tribal governments with a population of fifty
3 thousand or less according to the most recent federal decennial
4 census;

5 (2) at least twenty percent of the total
6 annual amount appropriated to the fund shall be awarded to
7 municipalities with a population of five hundred forty thousand
8 or greater according to the most recent federal decennial
9 census; and

10 (3) the department of health shall utilize the
11 funds in accordance with department of finance and
12 administration guidelines.

13 SECTION 6. [NEW MATERIAL] APPLICATION REQUIREMENTS.--

14 A. Each application for a grant from the violence
15 intervention program fund shall include:

16 (1) clearly defined, measurable objectives for
17 a proposal to improve public health and safety through
18 evidence-based violence reduction interventions;

19 (2) a comprehensive violence reduction
20 strategic plan and a description of the strategies and tasks
21 developed by a county, municipality or tribal government
22 describing the goals of the plan, including community-based or
23 joint community-based and law enforcement intervention
24 strategies;

25 (3) a description of how a grant award would

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1 be used if awarded; and

2 (4) a list of community-based organizations in
3 the county, municipality or tribal government applying for the
4 grant.

5 B. The commission shall provide municipalities and
6 tribal governments with data relevant to grant applications.

7 C. An applicant shall notify the appropriate
8 criminal justice coordinating council established pursuant to
9 Section 31-28-3 NMSA 1978 of its grant application.

10 SECTION 7. [NEW MATERIAL] CONDITIONS OF GRANT.--

11 A. As a condition of each grant made pursuant to
12 the Violence Intervention Program Act, the department shall
13 require each grantee to use at least fifty percent of its grant
14 for the purpose of entering into contracts with one or more
15 community-based organizations.

16 B. Each grantee shall report to the appropriate
17 criminal justice coordinating council established pursuant to
18 Section 31-28-3 NMSA 1978 regarding outcomes of the grant.

19 C. A grant may be awarded to a county or
20 municipality, but shall not be awarded to both a county and a
21 municipality falling within the county.

22 SECTION 8. [NEW MATERIAL] RULES.--The department shall
23 adopt rules necessary to administer the provisions of the
24 Violence Intervention Program Act.

25 SECTION 9. [NEW MATERIAL] REPORTS.--

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1 A. Each grantee shall report to the department and
2 the commission by November 1 of each year regarding the:

3 (1) purpose and amount of each grant received
4 by the grantee for the previous fiscal year; and

5 (2) processes, outputs and outcomes resulting
6 from each grant approved by the department for the previous
7 fiscal year.

8 B. Each year through 2026, the department and the
9 commission shall report to the legislature by December 1
10 regarding the awards and outcomes of each grantee.

11 SECTION 10. [NEW MATERIAL] FIREARM INJURY AND DEATH
12 REVIEW COMMITTEE--CREATION.--

13 A. There is created the "firearm injury and death
14 review committee". The committee shall consist of eight
15 members, appointed by the department for terms of four years
16 including a:

- 17 (1) representative from the department;
- 18 (2) member of the state legislature;
- 19 (3) representative from the public education
20 department;
- 21 (4) representative from the district courts;
- 22 (5) law enforcement officer;
- 23 (6) school resource officer;
- 24 (7) member of the New Mexico nurses
25 association; and

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1 (8) member of the New Mexico medical society.

2 B. The committee shall:

3 (1) examine circumstances that contribute to
4 firearm injury and death in order to identify risk reduction
5 and prevention strategies;

6 (2) collect and synthesize information
7 regarding circumstances of each firearm injury and death in the
8 state; and

9 (3) provide an annual report, including
10 strategies to prevent firearm injury and death to the
11 commission, the department and the relevant interim committee
12 that studies issues relating to criminal justice.

13 C. For purposes of this section:

14 (1) "law enforcement officer" means a
15 full-time salaried public employee of a governmental entity, or
16 a certified part-time salaried police officer employed by a
17 governmental entity, whose principal duties under law are to
18 hold in custody any person accused of a criminal offense, to
19 maintain public order or to make arrests for crimes; and

20 (2) "school resource officer" means a
21 commissioned and certified law enforcement officer who is
22 designated to be responsible for school safety and crime
23 prevention and the appropriate response to crimes in public
24 schools and has completed the training specified in Subsection
25 B of Section 29-7-14 NMSA 1978.

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SECTION 11. APPROPRIATION.--Ten million dollars
(\$10,000,000) is appropriated from the general fund to the
violence intervention program fund for expenditure in fiscal
year 2022 and subsequent fiscal years for the purposes of the
fund. Any unexpended or unencumbered balance remaining at the
end of a fiscal year shall not revert to the general fund.