

HB 19(CS)



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**Bill Analysis 2018 Regular Session**

**SPONSOR:** Representative Nate Gentry (with Representatives Daymon Ely, Liz Thomson, Moe Maestas)

**SHORT TITLE:** [Omnibus Crime Bill]

**SYNOPSIS OF BILL:** This substitute bill combines elements of several bills – HB19, HB21, HB217, HB266, HB271 – into one large crime prevention bill covering a variety of topics. This new bill would require that all inmates be screened for mental illness and habitual substance abuse, then provided with the opportunity to enroll in Medicaid. It also requires managed care organizations to provide coordinated care services and a comprehensive needs assessment to enrolled inmates prior to release. The bill would require correctional facilities to screen inmates for mental illness or substance abuse within 30 days of incarceration. It would allow for small \$7,500 retention bonuses for police officers through 2021. This bill would also increase the penalty for a person in possession of a firearm that has previously been convicted of a serious violent offense. It would also remove the possibility of incarceration for a range of Traffic Code infractions, including expired registration, not having one’s driver’s license in one’s “immediate possession,” displaying “specialty” license plates without qualification, jaywalking, proper use of sidewalks, and “coasting” on a downhill slope, among others. It reclassifies these as “special penalty misdemeanors” subject only to a monetary fine. The amount of the fine depends on the nature of the infraction. Meanwhile, it would remove failure to pay a penalty assessment as grounds for suspending one’s driver’s license. Finally, this bill would add two new requirements for the removal of an ignition interlock and reinstatement of a driver’s license which was revoked for DUI.

**STRENGTHS:** This bill has some good things in it. Chief among these is removing the possibility of incarceration for a range of minor offenses that should never have been subject to incarceration in the first place. Given the large numbers of incarcerated people living with mental illness or substance abuse problems, the requirement that new inmates be screened for these factors is also helpful. Providing a comprehensive needs assessment and coordinated care prior to release should help reduce recidivism. Unlike other similar bills, the sentence increase for felon in possession is limited to violent offenders.

**WEAKNESSES:** The sentencing enhancement for firearms will almost certainly be ineffective in deterring crime. Gun violence is an issue affecting New Mexico, but the existing law is sufficient. Possession of a firearm by a felon is already a felony. In cases where a felon *uses* a gun to commit a crime, they will also be punished for the new crime and that sentence can be further enhanced for use of a firearm. This bill could significantly increase the incarceration rates in New Mexico’s prisons as an after-the-fact response to criminal conduct that does nothing to *prevent* harmful acts of gun violence.

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<p>Ninety-five percent of incarcerated people in New Mexico will eventually be released back into our communities. This bill creates some requirements to facilitate successful re-integration into our communities by formerly incarcerated people. Enrollment in Medicaid coverage is a critical step to ensuring that individuals with justice involvement have access to services needed to successfully transition back into the community, particularly for those with mental health and substance abuse disorders.<sup>1</sup></p>	<p>This bill hastily combined a grab-bag of different ideas into an omnibus proposal. While it's nice to see bipartisan cooperation on criminal justice reform, hopefully future bipartisan efforts can be better targeted toward reforms that will improve public safety in our state.</p>	<p>On the one hand, this bill will save New Mexico money by blocking the use of incarceration for minor offenses. On the other hand it will needlessly increase state spending due to the firearm sentencing increase. HHS noted that Medicaid “connects individuals to the care they need once they are in the community and can help lower health care costs, hospitalizations and emergency department visits, as well as decrease mortality and recidivism for justice-involved individuals.<sup>2</sup></p>	<p>It would be better to see a coherent bill focused exclusively on improving public safety. There is little evidence that increasing sentences will do anything to reduce crime.</p>	<p><b>B-</b></p>

1 Coordinating Access to Services for Justice-Involved Populations, Center for Health Care Strategies, August 2016. Retrieved at: [https://www.chcs.org/media/MMF\\_CoordinatingAccess-FINAL.pdf](https://www.chcs.org/media/MMF_CoordinatingAccess-FINAL.pdf)

2 How and When Medicaid Covers People Under Correctional Supervision, The Pew Charitable Trusts, August 2016. Retrieved at: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/08/how-and-when-medicaid-covers-people-under-correctional-supervision>