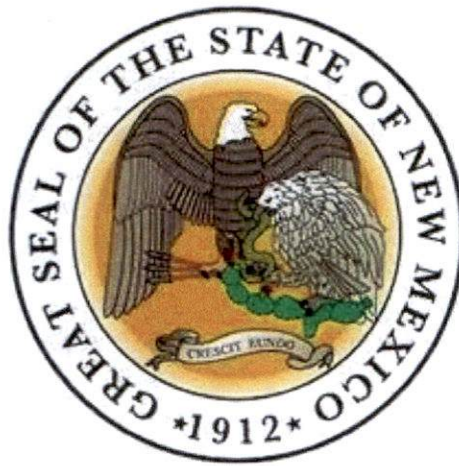


Office of the District Attorney
Eleventh Judicial District
Division II



Fiscal Year 2028

BUDGET REQUEST
July 1, 2027 - June 30, 2028

Office of the District
Attorney
Eleventh Judicial
District
Division II



Fiscal Year 2028
Budget Request
July 1, 2027 - June 30, 2028

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*Office of the District Attorney
Eleventh Judicial District Division II*

*Bernadine Martin
District Attorney*

August 31, 2026

State Budget Division
Room 190
Attn: Mario Semiglia
Bataan Memorial Building
Santa Fe, NM 87501

Legislative Finance Committee
Attn: Henry Jacobs
325 Don Gaspar, Suite 101
Santa Fe, NM 87501

RE: Fiscal Year 2028 Appropriation Request – Eleventh Judicial District Attorney's Office, Division II

Dear Sirs. Mr. Semiglia, and Mr. Jacobs and Members of the Legislative Finance Committee:

On behalf of the Office of the District Attorney, Eleventh Judicial District, Division II, I respectfully submit our Fiscal Year 2028 Appropriation Request. This request is intended to provide the personnel and resources necessary for our office to fulfill its constitutional and statutory responsibilities to prosecute criminal offenses, protect victims, and promote public safety throughout McKinley County.

Unique Challenges Facing McKinley County

McKinley County presents challenges unlike many other jurisdictions in New Mexico. The county encompasses approximately 5,450 square miles and includes private, state, federal, and tribal lands. This "checkerboard" geography requires coordination among the Navajo Nation Police Department, Zuni Police Department, New Mexico State Police, McKinley County Sheriff's Office, Gallup Police Department, federal agencies, and other tribal, state, and local partners.

The Census population of McKinley County is approximately 68,000, with the City of Gallup having approximately 20,000 residents. These numbers, however, do not reflect the population actually served by the District Attorney's Office. Gallup is the regional commercial, medical,

governmental, and social-service hub for a much larger area of western New Mexico and northeastern Arizona.

The City of Gallup experiences a recurring "**beginning-of-the-month influx**" when large numbers of people travel into Gallup from surrounding reservation communities and rural areas, swelling Gallup's population up to 100,000, for shopping, banking, medical care, behavioral-health services, governmental services, employment, and other necessities. This places additional demands on law enforcement, emergency services, hospitals, social-service agencies, courts, and the District Attorney's Office.

Gallup is also a major healthcare center for Native American communities throughout the region. Gallup Indian Medical Center, an Indian Health Service facility, provides approximately 250,000 outpatient encounters annually. The broader Navajo Area Indian Health Service serves more than 244,000 Native Americans across portions of New Mexico, Arizona, and Utah. Many of the individuals served by these regional healthcare and social-service systems also interact with the criminal justice system.

These circumstances mean that the District Attorney's Office serves a regional population and caseload significantly greater than the resident population figures alone would suggest.

Rebuilding the District Attorney's Office

On April 2, 2026, I was appointed by Governor Michelle Lujan Grisham as District Attorney for the Eleventh Judicial District, Division II.

Prior to my appointment, the office was operating with essentially one attorney while carrying an average annual caseload of approximately 1,906 cases. This made it extremely difficult to address the backlog of homicide cases while also handling new serious and violent offenses.

Since my appointment, rebuilding the office has been a primary objective. Within approximately four months, I recruited four full-time attorneys and two contract attorneys. This represents significant progress, but rebuilding the attorney ranks has also demonstrated the need for adequate support personnel.

Pre-Prosecution Diversion and Domestic Violence

One of the most important initiatives undertaken by this office is the establishment of a **Pre-Prosecution Diversion Program (PPD)**.

The program is designed to address appropriate low-level, non-violent offenses by addressing underlying causes of criminal behavior, including substance abuse, lack of employment, and other factors contributing to repeat offenses. Eligible participants may be directed to treatment, counseling, drug testing, employment assistance, and other services while being held accountable for successfully completing the program.

The PPD Program is also an important part of our strategy for addressing domestic violence, where our current dismissal rate is approaching 90 percent.

Domestic violence cases can take approximately six months or longer to reach trial. During that time, victims may become reluctant to participate, reconcile with the defendant, relocate, or otherwise lose interest in the prosecution. The result is a cycle in which significant law enforcement and prosecutorial resources are expended but cases ultimately fail to result in meaningful intervention or accountability.

By combining Pre-Prosecution Diversion with expanded victim advocacy, we can address appropriate cases much sooner. Where both parties recognize that there is a problem and diversion is appropriate, offenders can be placed into domestic violence treatment and other services at an early stage rather than waiting six months for a traditional prosecution to reach trial.

This approach provides earlier intervention, earlier treatment, and earlier accountability, while reserving traditional prosecution for cases where diversion is inappropriate or public safety requires prosecution.

Victim advocates are critical to this effort. They can maintain contact with victims, provide information about available services and court proceedings, assist with safety planning, and help victims understand their options. Stronger victim advocacy gives the office a better opportunity to maintain victim participation and reduce unnecessary dismissals.

Staffing Impact of the PPD Program

Establishing the PPD Program has required difficult staffing decisions. Because the program needed to be implemented immediately, existing personnel had to be moved from other positions and responsibilities to establish and operate the program.

While this allowed the program to begin serving the community, it created staffing shortages elsewhere in the office. As we continue recruiting and hiring attorneys, those shortages will become increasingly apparent.

FY28 Requested Positions

Our FY28 request includes funding for:

• Pre-Prosecution Diversion Director	\$118,418
• Pre-Prosecution Diversion Program Specialist	91,378
• Victim Advocate Coordinator	100,320
• Victim Advocate Specialist	<u>91,378</u>
	\$401,494

The PPD Director and Program Specialist will administer the diversion program, coordinate services, monitor participants, and provide the case-management support necessary for the program to succeed.

The Victim Advocate Coordinator will insure compliance with the Victims Bill of Rights Act and supervise and train our victim advocates and the additional Specialist will strengthen victim services, improve communication, assist with case preparation, and provide the sustained contact necessary to improve outcomes—particularly in domestic violence cases.

Investment in Public Safety

The FY28 request should be viewed as an investment in public safety and the efficient operation of the criminal justice system.

Our objective is to direct resources to the cases where they will have the greatest impact. Appropriate low-level offenders should have access to treatment and diversion when consistent with public safety, while violent offenders, repeat offenders, and those who present significant risks to the community must receive the attention and prosecution necessary to protect the public.

The requested positions will allow us to maintain the PPD Program, strengthen victim services, reduce unnecessary domestic violence dismissals, support the attorneys we are recruiting, and improve the overall effectiveness of the District Attorney's Office.

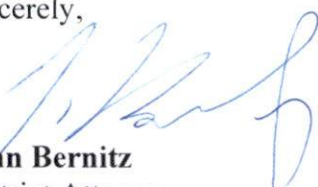
Conclusion

Our objective is straightforward: to build a professional, properly staffed District Attorney's Office capable of protecting the public, prosecuting serious crime, supporting victims, reducing unnecessary dismissals, and providing appropriate alternatives for offenders who can safely be diverted from traditional prosecution.

I respectfully request the Legislative Finance Committee's consideration and support of these positions and the resources necessary to maintain and expand the services of the Eleventh Judicial District Attorney's Office, Division II. The budget effect on this request is \$442,110.

Thank you for your continued support, and please feel free to call for any further clarity on this request.

Sincerely,



John Bernitz
District Attorney
Eleventh Judicial District
Division II

**FORM S-1
CERTIFICATION**

AGENCY NAME: Eleventh Judicial District Attorney, Division II

BUSINESS UNIT: 26500

FY28 BUDGET REQUEST CERTIFICATION

I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.

☐

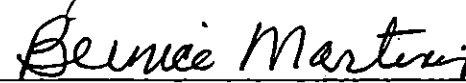
Yes, department-level budgets will be used this fiscal year

☒

No, department-level budgets will not be used this fiscal year



John Bernitz, District Attorney



Bernice Martinez, Chief Financial Officer

201 West Hill Street, Suite 100, Gallup, NM 87301
ADDRESS

(505) 722-2281
PHONE NUMBER

Note: Operating Budgets of agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Operating Budgets not properly signed will be returned.

Agency Name: Eleventh Judicial D.A., Div. II
Program Name: Prosecution

Business Unit: 26500
Program Code: P265

**FY28 APPROPRIATION REQUEST
ORGANIZATION CHART
FORM S-2**

District Attorney
Chief Deputy D.A.
Deputy District Attorney
Senior Trial Attorney
Senior Trial Attorney
Senior Trial Attorney
Senior Trial Attorney
Trial Attorney
Trial Attorney

Lead Investigator
Senior Investigator
Law Clerk
Program Administrator
Program Administrator
Victim-Witness Spec
Victim-Witness Asst
Finance Manager/CFO
Financial Administrator

IT Assistant
Program Specialist
Program Specialist
Senior Legal Assistant
Senior Legal Assistant
Prosecution Specialist
Prosecution Specialist
Prosecution Specialist
Program Assistant

Legal Assistant
Legal Assistant
Legal Assistant
Legal Assistant
Legal Assistant
Legal Assistant
Legal Assistant

ATTN: [REDACTED]

☐ Check Box if this form is a revision

Revision no:

Revision Date:

Page

State of New Mexico
S-8 Financial Summary
(Dollars in Thousands)

BU PCode Department
26500 0000 0000000000

	2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	Base	----- FY 2028 Agency Request ----- Expansion	Total
REVENUE							
111 General Fund Transfers	283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
112 Other Transfers	0.0	112.8	0.0	0.0	0.0	0.0	0.0
130 Other Revenues	0.0	1,913.0	0.0	0.0	0.0	0.0	0.0
REVENUE, TRANSFERS	283.0	2,233.8	3,694.2	0	4,156.9	442.0	4,598.9
REVENUE	283.0	2,233.8	3,694.2	0	4,156.9	442.0	4,598.9
EXPENSE							
200 Personal services and employee benefits	283.0	1,251.9	3,059.7	3,623.4	3,623.6	442.0	4,065.6
300 Contractual services	0.0	183.0	376.5	0.0	378.4	0.0	378.4
400 Other	0.0	127.8	258.0	0.0	154.9	0.0	154.9
EXPENDITURES	283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9
EXPENSE	283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9
FTE POSITIONS							
810 Permanent	1.00	28.00	34.00	34.00	38.00	0.00	38.00
FTEs	1.00	28.00	34.00	34.00	38.00	0.00	38.00
FTE POSITIONS	1.00	28.00	34.00	34.00	38.00	0.00	38.00

BU PCode Department
26500 P265 000000

State of New Mexico
S-8 Financial Summary
(Dollars in Thousands)

	2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	Base	----- FY 2028 Agency Request ----- Expansion	Total
REVENUE							
111 General Fund Transfers	283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
112 Other Transfers	0.0	112.8	0.0	0.0	0.0	0.0	0.0
130 Other Revenues	0.0	1,913.0	0.0	0.0	0.0	0.0	0.0
REVENUE, TRANSFERS	283.0	2,233.8	3,694.2	0.0	4,156.9	442.0	4,598.9
REVENUE	283.0	2,233.8	3,694.2	0.0	4,156.9	442.0	4,598.9
EXPENSE							
200 Personal services and employee benefits	283.0	1,251.9	3,059.7	3,623.4	3,623.6	442.0	4,065.6
300 Contractual services	0.0	183.0	376.5	0.0	378.4	0.0	378.4
400 Other	0.0	127.8	258.0	0.0	154.9	0.0	154.9
EXPENDITURES	283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9
EXPENSE	283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9
FTE POSITIONS							
810 Permanent	1.00	28.00	34.00	34.00	38.00	0.00	38.00
FTEs	1.00	28.00	34.00	34.00	38.00	0.00	38.00
FTE POSITIONS	1.00	28.00	34.00	34.00	38.00	0.00	38.00

State of New Mexico
302 - PCF Detail Agency/Individual Allocated Org
 PCode by Employee

Run Date: 9/1/26
 Run Time: 9:51:31 AM

Employee	PCN	Job Class - Name	FTE	Hourly	Salary	Group Ins	Retire	FICA/MI	Retiree Health	Employee Total
P265-R - Eleventh Judicial District Attorney, Division II										
DeptID 0112000000-26500										
+ Form Position,	NEWP-78	AODA9861 - Program Specialist	1.00	31.84	66,736	6,138	12,742	4,106	1,656	91,378
+ Form Position,	NEWP-14	AODA9860 - Program Administrator	1.00	41.94	87,906	6,138	16,784	5,409	2,181	118,418
+ Form Position,	NEWP-71	AODA9891 - Victim-Witness Coordinator	1.00	35.18	73,737	6,138	14,079	4,537	1,829	100,320
+ Form Position,	NEWP-23	AODA9892 - Victim-Witness Specialist	1.00	31.84	66,736	6,138	12,742	4,106	1,656	91,378
Total			4.00		295,115	24,552	56,347	18,158	7,322	401,494
Grand Total			4.00		295,115	24,552	56,347	18,158	7,322	401,494

Account	Account Name	FTE	Total
520100	Exempt Perm Positions P/T&F/T	4.00	295,115
Grand Total		4.00	295,115

Employee	PCN	Job Class - Name	FTE	Hourly	Salary	Group Ins	Retire	FICA/MI	Retiree Health	Employee Total
P265-R - Eleventh Judicial District Attorney, Division II										
DeptID 0112010000-26500										
+ Amaya, Natalia Y.	00043438	AODA9862 - Program Assistant	1.00	20	41,920	-	-	2,579	0	44,499
+ Bahe, Cassandra	00025301	AODA9881 - Senior Legal Assistant	1.00	25	52,400	85	10,005	3,224	1,040	66,754
+ Begay, Lisa C.	00034378	AODA9870 - Prosecution Specialist	1.00	33.8	70,853	22,718	13,528	4,359	1,406	112,864
+ Bernitz, John W.	00025291	AODA9810 - District Attorney	1.00	81.39	170,583	439	32,570	10,495	3,386	217,473
+ Casias, D'Angelo	00043618	AODA9882 - Legal Assistant	1.00	22.7	47,573	10,304	9,083	2,927	944	70,831
+ Casias, Dorothy	00025300	AODA9882 - Legal Assistant	1.00	22.7	47,573	1,099	9,083	2,927	944	61,626

State of New Mexico
302 - PCF Detail Agency/Individual Allocated Org
 PCode by Employee

Run Date: 9/1/26
 Run Time: 9:51:31 AM

Employee	PCN	Job Class - Name	FTE	Hourly	Salary	Group Ins	Retire	FICA/MI	Retiree Health	Employee Total
P265-R - Eleventh Judicial District Attorney, Division II										
DeptID 0112010000-26500										
+ Eldridge, Steven	00025391	AODA9851A - Senior Investigator - PO	1.00	42.06	88,164	7,663	16,833	5,424	1,750	119,834
+ Etsitty, Jaycelyn	00043437	AODA9870 - Prosecution Specialist	1.00	31.52	66,071	101	12,615	4,065	1,311	84,163
+ Friedly, Conrad R	00025295	AODA9811 - Chief Deputy District Attorney	1.00	65.68	137,664	11,050	26,284	8,470	2,732	186,200
+ Gomez, Samantha J	00025299	AODA9831 - Financial Administrator	1.00	35.87	75,193	11,050	14,357	4,626	1,492	106,718
+ Hatfield, Christian A	00025292	AODA9812 - Deputy District Attorney	1.00	59.44	124,583	11,050	23,787	7,665	2,473	169,558
+ Juan, Trinity T	00043604	AODA9882 - Legal Assistant	1.00	19.05	39,938	577	7,625	2,457	793	51,390
+ Laahty, Tracie	00042722	AODA9881 - Senior Legal Assistant	1.00	28.55	59,839	11,872	11,425	3,682	1,188	88,006
+ Lee, Maegan	00034379	AODA9870 - Prosecution Specialist	1.00	34.11	71,485	9,572	13,649	4,398	1,419	100,523
+ Lee, Yosha	00043457	AODA9892 - Victim-Witness Specialist	1.00	29	60,784	502	11,606	3,740	1,206	77,838
+ Livingston, Candace	00037797	AODA9861 - Program Specialist	1.00	28.54	59,819	1,073	11,421	3,680	1,187	77,180
+ Macias, Mindi M.	00043347	AODA9861 - Program Specialist	1.00	36.11	75,677	1,288	14,449	4,656	1,502	97,572
+ Mariano, Patricia	10101582	AODA9893 - Victim-Witness Assistant	1.00	28.52	59,771	85	11,412	3,678	1,186	76,132
+ Martinez, Bernice	00025298	AODA9830 - Financial Manager/ CFO	1.00	59.62	124,961	894	23,859	7,688	2,480	159,882
+ Morgan, Clarissa B.	00025296	AODA9850A - Lead Investigator - PO	1.00	44.54	93,364	878	17,826	5,744	1,853	119,665
+ Muneta, James D.	00043458	AODA9816 - Law Clerk	1.00	33.01	69,183	17,170	13,209	4,257	1,373	105,192
+ Nells, Leora L.	00043388	AODA9882 - Legal Assistant	1.00	21.15	44,326	275	8,463	2,727	880	56,671
+ Nelson, Natalia T	00043603	AODA9814 - Trial Attorney	1.00	48.69	102,054	-	19,485	6,279	2,026	129,844
+ Pirotte, Erika Rose	00025293	AODA9813 - Senior Trial Attorney	1.00	59.17	124,024	-	23,680	7,631	2,462	157,797

State of New Mexico
302 - PCF Detail Agency/Individual Allocated Org
 PCode by Employee

Run Date: 9/1/26

Run Time: 9:51:31 AM

Employee	PCN	Job Class - Name	FTE	Hourly	Salary	Group Ins	Retire	FICA/MI	Retiree Health	Employee Total
P265-R - Eleventh Judicial District Attorney, Division II										
DeptID 0112010000-26500										
+ Sam, Samantha	00037799	AODA9882 - Legal Assistant	1.00	21.15	44,326	-	8,463	2,727	880	56,396
+ Saucedo, Barbara Elena	00043490	AODA9860 - Program Administrator	1.00	39.25	82,267	9,572	15,707	5,062	1,633	114,241
+ Steele, Shannon L.	00025297	AODA9860 - Program Administrator	1.00	44.89	94,094	10,987	17,966	5,789	1,868	130,704
+ ***VACANT***	00034377	AODA9843 - IT Assistant	1.00	26.08	54,663	7,135	20,874	3,363	2,441	88,476
+ ***VACANT***	00037796	AODA9814 - Trial Attorney	1.00	48.68	102,033	6,138	19,481	6,278	2,531	136,461
+ ***VACANT***	00037798	AODA9882 - Legal Assistant	1.00	21.35	44,750	7,367	8,544	2,753	1,110	64,524
+ ***VACANT***	00043465	AODA9813 - Senior Trial Attorney	1.00	53.79	112,744	6,138	21,526	6,937	2,797	150,142
+ ***VACANT***	00043617	AODA9813 - Senior Trial Attorney	1.00	53.79	112,744	6,138	21,526	6,937	2,797	150,142
+ ***VACANT***	00080120	AODA9813 - Senior Trial Attorney	1.00	53.79	112,744	6,138	21,526	6,937	2,797	150,142
+ Williams, Danielle I.	00043555	AODA9882 - Legal Assistant	1.00	20.33	42,611	85	8,136	2,622	846	54,300
Total			34.00		2,710,778	179,443	520,003	166,783	56,733	3,633,740
Grand Total			34.00		2,710,778	179,443	520,003	166,783	56,733	3,633,740

Account	Account Name	FTE	Total
520100	Exempt Perm Positions P/T&F/T	34.00	2,710,778
Grand Total		34.00	2,710,778

Account	Account Name	FTE	Total
520100	Exempt Perm Positions P/T&F/T	38.00	3,005,893
Grand Total for Org		38.00	3,005,893

State of New Mexico
302 - PCF Detail Agency/Individual Allocated Org
PCode by Employee

Run Date: 9/1/26
Run Time: 9:51:31 AM

S-9 Account Code Revenue/Expenditure Summary

(Dollars in Thousands)

BU PCode Department
26500 0000 0000000000

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
499105	General Fd. Appropriation	283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
111	General Fund Transfers	283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
499905	Other Financing Sources	0.0	112.8	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	112.8	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue	0.0	1,600.9	0.0	0.0	0.0	0.0	0.0
496909	Misc Revenue - Interagency	0.0	312.2	0.0	0.0	0.0	0.0	0.0
130	Other Revenues	0.0	1,913.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		283.0	2,233.8	3,694.2	0	4,156.9	442.0	4,598.9
520100	Exempt Perm Positions P/T&F/T	283.0	917.9	2,569.2	2,700.4	2,700.4	442.0	3,142.4
520800	Annl & Comp Paid At Separation	0.0	8.1	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	0.0	54.1	118.8	179.4	179.4	0.0	179.4
521200	Retirement Contributions	0.0	153.6	248.5	520.0	520.0	0.0	520.0
521300	F I C A	0.0	70.0	97.2	166.8	166.8	0.0	166.8
521400	Workers' Comp Assessment Fee	0.0	1.5	0.2	0.0	0.3	0.0	0.3
521500	Unemployment Comp Premium	0.0	18.2	0.0	0.0	0.0	0.0	0.0
521600	Employee Liability Ins Premium	0.0	12.5	0.0	0.0	0.0	0.0	0.0
521700	RHC Act Contributions	0.0	16.0	25.8	56.7	56.7	0.0	56.7
200	Personal services and employee benef	283.0	1,251.9	3,059.7	3,623.4	3,623.6	442.0	4,065.6
535300	Other Services	0.0	0.9	2.0	0.0	2.0	0.0	2.0
535400	Audit Services	0.0	0.0	15.5	0.0	17.4	0.0	17.4
535500	Attorney Services	0.0	182.1	359.0	0.0	359.0	0.0	359.0
300	Contractual services	0.0	183.0	376.5	0.0	378.4	0.0	378.4
542100	Employee I/S Mileage & Fares	0.0	0.6	0.1	0.0	0.1	0.0	0.1
542200	Employee I/S Meals & Lodging	0.0	1.6	10.0	0.0	10.0	0.0	10.0
542500	Transp - Fuel & Oil	0.0	0.8	3.0	0.0	3.0	0.0	3.0
542600	Transp - Parts & Supplies	0.0	0.0	2.5	0.0	2.5	0.0	2.5
543500	Maint - Supplies	0.0	0.4	0.0	0.0	0.5	0.0	0.5
543820	Maintenance IT	0.0	0.0	5.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	0.0	7.7	38.2	0.0	10.0	0.0	10.0
544000	Supply Inventory IT	0.0	20.4	28.7	0.0	20.0	0.0	20.0
544100	Supplies-Office Supplies	0.0	2.5	14.0	0.0	14.0	0.0	14.0
544400	Supplies-Field Supplies	0.0	1.0	1.0	0.0	1.0	0.0	1.0
544900	Supplies-Inventory Exempt	0.0	10.5	50.0	0.0	10.0	0.0	10.0

S-9 Account Code Revenue/Expenditure Summary

(Dollars in Thousands)

BU PCode Department
26500 0000 0000000000

		2025-26	2025-26	2026-27	2027-28	----- FY 2028 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
545600	Reporting & Recording	0.0	0.3	13.5	0.0	2.5	0.0	2.5
545700	ISD Services	0.0	0.1	0.0	0.0	1.4	0.0	1.4
545710	DOIT HCM Assessment Fees	0.0	0.4	12.5	0.0	12.4	0.0	12.4
545900	Printing & Photo Services	0.0	1.2	2.0	0.0	2.5	0.0	2.5
546100	Postage & Mail Services	0.0	2.3	6.5	0.0	5.0	0.0	5.0
546400	Rent Of Land & Buildings	0.0	0.4	1.0	0.0	1.0	0.0	1.0
546500	Rent Of Equipment	0.0	3.3	8.0	0.0	8.0	0.0	8.0
546600	Communications	0.0	14.1	22.7	0.0	22.7	0.0	22.7
546610	DOIT Telecommunications	0.0	0.2	0.5	0.0	0.5	0.0	0.5
546700	Subscriptions/Dues/License Fee	0.0	6.1	26.0	0.0	20.0	0.0	20.0
546800	Employee Training & Education	0.0	0.1	1.0	0.0	1.0	0.0	1.0
546900	Advertising	0.0	2.4	8.5	0.0	1.0	0.0	1.0
547000	Legal Settlements	0.0	7.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	0.0	0.6	0.8	0.0	0.8	0.0	0.8
548800	Automotive & Aircraft	0.0	43.3	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	0.0	0.0	1.5	0.0	0.0	0.0	0.0
549700	Employee O/S Meals & Lodging	0.0	0.0	1.0	0.0	5.0	0.0	5.0
400	Other	0.0	127.8	258.0	0.0	154.9	0.0	154.9
TOTAL EXPENSE		283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9
810	Permanent	1.00	28.00	1.00	34.00	38.00	0.00	38.00
810	Permanent	1.00	28.00	1.00	34.00	38.00	0.00	38.00
TOTAL FTE POSITIONS		1.00	28.00	1.00	34.00	38.00	0.00	38.00

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
499105	General Fd. Appropriation	283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
111	General Fund Transfers	283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
499905	Other Financing Sources	0.0	112.8	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	112.8	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue	0.0	1,600.9	0.0	0.0	0.0	0.0	0.0
496909	Misc Revenue - Interagency	0.0	312.2	0.0	0.0	0.0	0.0	0.0
130	Other Revenues	0.0	1,913.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		283.0	2,233.8	3,694.2	0.0	4,156.9	442.0	4,598.9
520100	Exempt Perm Positions P/T&F/T	283.0	917.9	2,569.2	2,700.4	2,700.4	442.0	3,142.4
520800	Annl & Comp Paid At Separation	0.0	8.1	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	0.0	54.1	118.8	179.4	179.4	0.0	179.4
521200	Retirement Contributions	0.0	153.6	248.5	520.0	520.0	0.0	520.0
521300	F I C A	0.0	70.0	97.2	166.8	166.8	0.0	166.8
521400	Workers' Comp Assessment Fee	0.0	1.5	0.2	0.0	0.3	0.0	0.3
521500	Unemployment Comp Premium	0.0	18.2	0.0	0.0	0.0	0.0	0.0
521600	Employee Liability Ins Premium	0.0	12.5	0.0	0.0	0.0	0.0	0.0
521700	RHC Act Contributions	0.0	16.0	25.8	56.7	56.7	0.0	56.7
200	Personal services and employee benef	283.0	1,251.9	3,059.7	3,623.4	3,623.6	442.0	4,065.6
535300	Other Services	0.0	0.9	2.0	0.0	2.0	0.0	2.0
535400	Audit Services	0.0	0.0	15.5	0.0	17.4	0.0	17.4
535500	Attorney Services	0.0	182.1	359.0	0.0	359.0	0.0	359.0
300	Contractual services	0.0	183.0	376.5	0.0	378.4	0.0	378.4
542100	Employee I/S Mileage & Fares	0.0	0.6	0.1	0.0	0.1	0.0	0.1
542200	Employee I/S Meals & Lodging	0.0	1.6	10.0	0.0	10.0	0.0	10.0
542500	Transp - Fuel & Oil	0.0	0.8	3.0	0.0	3.0	0.0	3.0
542600	Transp - Parts & Supplies	0.0	0.0	2.5	0.0	2.5	0.0	2.5
543500	Maint - Supplies	0.0	0.4	0.0	0.0	0.5	0.0	0.5
543820	Maintenance IT	0.0	0.0	5.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	0.0	7.7	38.2	0.0	10.0	0.0	10.0
544000	Supply Inventory IT	0.0	20.4	28.7	0.0	20.0	0.0	20.0
544100	Supplies-Office Supplies	0.0	2.5	14.0	0.0	14.0	0.0	14.0
544400	Supplies-Field Supplies	0.0	1.0	1.0	0.0	1.0	0.0	1.0
544900	Supplies-Inventory Exempt	0.0	10.5	50.0	0.0	10.0	0.0	10.0

BU PCode Department
26500 P265 000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2025-26	2025-26	2026-27	2027-28	----- FY 2028 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
545600	Reporting & Recording	0.0	0.3	13.5	0.0	2.5	0.0	2.5
545700	ISD Services	0.0	0.1	0.0	0.0	1.4	0.0	1.4
545710	DOIT HCM Assessment Fees	0.0	0.4	12.5	0.0	12.4	0.0	12.4
545900	Printing & Photo Services	0.0	1.2	2.0	0.0	2.5	0.0	2.5
546100	Postage & Mail Services	0.0	2.3	6.5	0.0	5.0	0.0	5.0
546400	Rent Of Land & Buildings	0.0	0.4	1.0	0.0	1.0	0.0	1.0
546500	Rent Of Equipment	0.0	3.3	8.0	0.0	8.0	0.0	8.0
546600	Communications	0.0	14.1	22.7	0.0	22.7	0.0	22.7
546610	DOIT Telecommunications	0.0	0.2	0.5	0.0	0.5	0.0	0.5
546700	Subscriptions/Dues/License Fee	0.0	6.1	26.0	0.0	20.0	0.0	20.0
546800	Employee Training & Education	0.0	0.1	1.0	0.0	1.0	0.0	1.0
546900	Advertising	0.0	2.4	8.5	0.0	1.0	0.0	1.0
547000	Legal Settlements	0.0	7.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	0.0	0.6	0.8	0.0	0.8	0.0	0.8
548800	Automotive & Aircraft	0.0	43.3	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	0.0	0.0	1.5	0.0	0.0	0.0	0.0
549700	Employee O/S Meals & Lodging	0.0	0.0	1.0	0.0	5.0	0.0	5.0
400	Other	0.0	127.8	258.0	0.0	154.9	0.0	154.9
TOTAL EXPENSE		283.0	1,562.6	3,694.2	3,623.4	4,156.9	442.0	4,598.9
810	Permanent	1.00	28.00	1.00	34.00	38.00	0.00	38.00
810	Permanent	1.00	28.00	1.00	34.00	38.00	0.00	38.00
TOTAL FTE POSITIONS		1.00	28.00	1.00	34.00	38.00	0.00	38.00

BU PCode Department
26500 0000 000000000

S-9 Account Code Revenue Summary
(Dollars in Thousands)

		Provider	2025-26	2025-26	2026-27	2027-28	----- FY 2028 Agency Request -----		
		PCode	Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation		283.0	208.0	0.0	0.0	4,156.9	442.0	4,598.9
111	General Fund Transfers		283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
499905	Other Financing Sources		0.0	112.8	0.0	0.0	0.0	0.0	0.0
112	Other Transfers		0.0	112.8	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue		0.0	1,600.9	0.0	0.0	0.0	0.0	0.0
496909	Misc Revenue - Interagency		0.0	312.2	0.0	0.0	0.0	0.0	0.0
130	Other Revenues		0.0	1,913.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE			283.0	2,233.8	3,694.2	0	4,156.9	442.0	4,598.9

S-9 Account Code Revenue Summary
(Dollars in Thousands)

		Provider	2025-26	2025-26	2026-27	2027-28	----- FY 2028 Agency Request -----		
		PCode	Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation		283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
111	General Fund Transfers		283.0	208.0	3,694.2	0.0	4,156.9	442.0	4,598.9
499905	Other Financing Sources		0.0	112.8	0.0	0.0	0.0	0.0	0.0
112	Other Transfers		0.0	112.8	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue		0.0	1,600.9	0.0	0.0	0.0	0.0	0.0
496909	Misc Revenue - Interagency		0.0	312.2	0.0	0.0	0.0	0.0	0.0
130	Other Revenues		0.0	1,913.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE			283.0	2,233.8	3,694.2	0.0	4,156.9	442.0	4,598.9

BU PCode Department
26500 0000 0000000000

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
520100	Exempt Perm Positions P/T&F/T	283.0	917.9	2,569.2	2,700.4	2,700.4	442.0	3,142.4
520800	Annl & Comp Paid At Separation	0.0	8.1	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	0.0	54.1	118.8	179.4	179.4	0.0	179.4
521200	Retirement Contributions	0.0	153.6	248.5	520.0	520.0	0.0	520.0
521300	F I C A	0.0	70.0	97.2	166.8	166.8	0.0	166.8
521400	Workers' Comp Assessment Fee	0.0	1.5	0.2	0.0	0.3	0.0	0.3
521500	Unemployment Comp Premium	0.0	18.2	0.0	0.0	0.0	0.0	0.0
521600	Employee Liability Ins Premium	0.0	12.5	0.0	0.0	0.0	0.0	0.0
521700	RHC Act Contributions	0.0	16.0	25.8	56.7	56.7	0.0	56.7
200	Personal services and employee benefits	283.0	1,251.9	3,059.7	3,623.4	3,623.6	442.0	4,065.6
535300	Other Services	0.0	0.9	2.0	0.0	2.0	0.0	2.0
535400	Audit Services	0.0	0.0	15.5	0.0	17.4	0.0	17.4
535500	Attorney Services	0.0	182.1	359.0	0.0	359.0	0.0	359.0
300	Contractual services	0.0	183.0	376.5	0.0	378.4	0.0	378.4
542100	Employee I/S Mileage & Fares	0.0	0.6	0.1	0.0	0.1	0.0	0.1
542200	Employee I/S Meals & Lodging	0.0	1.6	10.0	0.0	10.0	0.0	10.0
542500	Transp - Fuel & Oil	0.0	0.8	3.0	0.0	3.0	0.0	3.0
542600	Transp - Parts & Supplies	0.0	0.0	2.5	0.0	2.5	0.0	2.5
543500	Maint - Supplies	0.0	0.4	0.0	0.0	0.5	0.0	0.5
543820	Maintenance IT	0.0	0.0	5.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	0.0	7.7	38.2	0.0	10.0	0.0	10.0
544000	Supply Inventory IT	0.0	20.4	28.7	0.0	20.0	0.0	20.0
544100	Supplies-Office Supplies	0.0	2.5	14.0	0.0	14.0	0.0	14.0
544400	Supplies-Field Supplies	0.0	1.0	1.0	0.0	1.0	0.0	1.0
544900	Supplies-Inventory Exempt	0.0	10.5	50.0	0.0	10.0	0.0	10.0
545600	Reporting & Recording	0.0	0.3	13.5	0.0	2.5	0.0	2.5
545700	ISD Services	0.0	0.1	0.0	0.0	1.4	0.0	1.4
545710	DOIT HCM Assessment Fees	0.0	0.4	12.5	0.0	12.4	0.0	12.4
545900	Printing & Photo Services	0.0	1.2	2.0	0.0	2.5	0.0	2.5
546100	Postage & Mail Services	0.0	2.3	6.5	0.0	5.0	0.0	5.0
546400	Rent Of Land & Buildings	0.0	0.4	1.0	0.0	1.0	0.0	1.0
546500	Rent Of Equipment	0.0	3.3	8.0	0.0	8.0	0.0	8.0

BU PCode Department
26500 0000 0000000000

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2025-26	2025-26	2026-27	2027-28	----- FY 2028 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
546600	Communications	0.0	14.1	22.7	0.0	22.7	0.0	22.7
546610	DOIT Telecommunications	0.0	0.2	0.5	0.0	0.5	0.0	0.5
546700	Subscriptions/Dues/License Fee	0.0	6.1	26.0	0.0	20.0	0.0	20.0
546800	Employee Training & Education	0.0	0.1	1.0	0.0	1.0	0.0	1.0
546900	Advertising	0.0	2.4	8.5	0.0	1.0	0.0	1.0
547000	Legal Settlements	0.0	7.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	0.0	0.6	0.8	0.0	0.8	0.0	0.8
548800	Automotive & Aircraft	0.0	43.3	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	0.0	0.0	1.5	0.0	0.0	0.0	0.0
549700	Employee O/S Meals & Lodging	0.0	0.0	1.0	0.0	5.0	0.0	5.0
400	Other	0.0	127.8	258.0	0.0	154.9	0.0	154.9
TOTAL EXPENSE		283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9

BU PCode Department
26500 P265 000000

State of New Mexico

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
520100	Exempt Perm Positions P/T&F/T	283.0	917.9	2,569.2	2,700.4	2,700.4	442.0	3,142.4
520800	Annl & Comp Paid At Separation	0.0	8.1	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	0.0	54.1	118.8	179.4	179.4	0.0	179.4
521200	Retirement Contributions	0.0	153.6	248.5	520.0	520.0	0.0	520.0
521300	F I C A	0.0	70.0	97.2	166.8	166.8	0.0	166.8
521400	Workers' Comp Assessment Fee	0.0	1.5	0.2	0.0	0.3	0.0	0.3
521500	Unemployment Comp Premium	0.0	18.2	0.0	0.0	0.0	0.0	0.0
521600	Employee Liability Ins Premium	0.0	12.5	0.0	0.0	0.0	0.0	0.0
521700	RHC Act Contributions	0.0	16.0	25.8	56.7	56.7	0.0	56.7
200	Personal services and employe	283.0	1,251.9	3,059.7	3,623.4	3,623.6	442.0	4,065.6
535300	Other Services	0.0	0.9	2.0	0.0	2.0	0.0	2.0
535400	Audit Services	0.0	0.0	15.5	0.0	17.4	0.0	17.4
535500	Attorney Services	0.0	182.1	359.0	0.0	359.0	0.0	359.0
300	Contractual services	0.0	183.0	376.5	0.0	378.4	0.0	378.4
542100	Employee I/S Mileage & Fares	0.0	0.6	0.1	0.0	0.1	0.0	0.1
542200	Employee I/S Meals & Lodging	0.0	1.6	10.0	0.0	10.0	0.0	10.0
542500	Transp - Fuel & Oil	0.0	0.8	3.0	0.0	3.0	0.0	3.0
542600	Transp - Parts & Supplies	0.0	0.0	2.5	0.0	2.5	0.0	2.5
543500	Maint - Supplies	0.0	0.4	0.0	0.0	0.5	0.0	0.5
543820	Maintenance IT	0.0	0.0	5.0	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	0.0	7.7	38.2	0.0	10.0	0.0	10.0
544000	Supply Inventory IT	0.0	20.4	28.7	0.0	20.0	0.0	20.0
544100	Supplies-Office Supplies	0.0	2.5	14.0	0.0	14.0	0.0	14.0
544400	Supplies-Field Supplies	0.0	1.0	1.0	0.0	1.0	0.0	1.0
544900	Supplies-Inventory Exempt	0.0	10.5	50.0	0.0	10.0	0.0	10.0
545600	Reporting & Recording	0.0	0.3	13.5	0.0	2.5	0.0	2.5
545700	ISD Services	0.0	0.1	0.0	0.0	1.4	0.0	1.4
545710	DOIT HCM Assessment Fees	0.0	0.4	12.5	0.0	12.4	0.0	12.4
545900	Printing & Photo Services	0.0	1.2	2.0	0.0	2.5	0.0	2.5
546100	Postage & Mail Services	0.0	2.3	6.5	0.0	5.0	0.0	5.0
546400	Rent Of Land & Buildings	0.0	0.4	1.0	0.0	1.0	0.0	1.0
546500	Rent Of Equipment	0.0	3.3	8.0	0.0	8.0	0.0	8.0
546600	Communications	0.0	14.1	22.7	0.0	22.7	0.0	22.7

BU PCode Department
26500 P265 000000

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	----- FY 2028 Agency Request -----		
						Base	Expansion	Total
546610	DOIT Telecommunications	0.0	0.2	0.5	0.0	0.5	0.0	0.5
546700	Subscriptions/Dues/License Fee	0.0	6.1	26.0	0.0	20.0	0.0	20.0
546800	Employee Training & Education	0.0	0.1	1.0	0.0	1.0	0.0	1.0
546900	Advertising	0.0	2.4	8.5	0.0	1.0	0.0	1.0
547000	Legal Settlements	0.0	7.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	0.0	0.6	0.8	0.0	0.8	0.0	0.8
548800	Automotive & Aircraft	0.0	43.3	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	0.0	0.0	1.5	0.0	0.0	0.0	0.0
549700	Employee O/S Meals & Lodging	0.0	0.0	1.0	0.0	5.0	0.0	5.0
400	Other	0.0	127.8	258.0	0.0	154.9	0.0	154.9
TOTAL EXPENSE		283.0	1,562.6	3,694.2	3,623.39	4,156.9	442.0	4,598.9

**APPROPRIATION REQUEST
FORM S-10 FUND BALANCE PROJECTION**

(In Whole Dollars)

Agency: Eleventh Judicial District Attorney, Division II Business Unit: 26500
Fund Name: Southwest Border Prosecution Initiative (SWBPI) Fund Number: 27700
Legal Auth. Laws of 2021, 55th Legislature, 1st Session, Chapter 137, Section 5, Item 19

BEGINNING BALANCE

1. Unreserved, undesignated fund balance (not cash balance) from 111,962
SHARE NMS006GL Balance Sheet Report at close of prior fiscal year

ADJUSTMENTS

Add:

2. Interfund receivables, accounts receivables, and other assets not
reflected in fund balance from FCD Reports at close of prior fiscal year _____

Other (explain in detail) _____

Deduct:

3. Liabilities at close of prior fiscal year not reflected in FCD Reports (_____)

Fund balance designated by law for future expenditure (non-reverting funds) (_____)

Amount due to State General Fund or other fund designated by statute (_____)

Other (explain in detail) (_____)

4. Prior fiscal year reversion not reflected in liabilities (_____)

Total Adjustments 0

ADJUSTED UNRESERVED, UNDESIGNATED FUND BALANCE at close of prior fiscal year 111,962

Add:

5. Projected revenue/sources for current fiscal year (less fund balance budgeted) _____

Deduct:

6. Projected total expenditures for current fiscal year (_____)

PROJECTED UNRESERVED/UNDESIGNATED FUND BALANCE at close of current fiscal year 111,962

Add:

7. Projected revenue/sources for next fiscal year (less fund balance requested) _____

Deduct:

8. Total expenditures budgeted in appropriation request (_____)

PROJECTED UNRESERVED/UNDESIGNATED FUND BALANCE at close of next fiscal year 111,962

State of New Mexico
S-13 Line Items by Business Unit Expenditures
(Dollars in Thousands)

			2025-26	2026-27	Request		Recommendation				
BusUnit		Line Item	Actuals	Opbud	Base	Expansion	Base	Expansion	Opbud		
26500	P265-R	Eleventh Judicial District Attorn	520100	Exempt Perm Positions P/T&F/T	917.88	2,569.2	2,700.4	442	0	0	0.0
		520800	Annl & Comp Paid At Separation	8.08	0	0	0	0	0	0.0	
		521100	Group Insurance Premium	54.09	118.8	179.4	0	0	0	0.0	
		521200	Retirement Contributions	153.58	248.5	520	0	0	0	0.0	
		521300	F I C A	70.03	97.2	166.8	0	0	0	0.0	
		521400	Workers' Comp Assessment Fee	1.48	0.2	0.3	0	0	0	0.0	
		521500	Unemployment Comp Premium	18.23	0	0	0	0	0	0.0	
		521600	Employee Liability Ins Premium	12.53	0	0	0	0	0	0.0	
		521700	RHC Act Contributions	15.97	25.8	56.7	0	0	0	0.0	
		535300	Other Services	0.86	2	2	0	0	0	0.0	
		535400	Audit Services	0	15.5	17.4	0	0	0	0.0	
		535500	Attorney Services	182.12	359	359	0	0	0	0.0	
		542100	Employee I/S Mileage & Fares	0.55	0.1	0.1	0	0	0	0.0	
		542200	Employee I/S Meals & Lodging	1.64	10	10	0	0	0	0.0	
		542500	Transp - Fuel & Oil	0.78	3	3	0	0	0	0.0	
		542600	Transp - Parts & Supplies	0	2.5	2.5	0	0	0	0.0	
		543500	Maint - Supplies	0.36	0	0.5	0	0	0	0.0	
		543820	Maintenance IT	0	5	0	0	0	0	0.0	
		543830	IT HW/SW Agreements	7.72	38.2	10	0	0	0	0.0	
		544000	Supply Inventory IT	20.36	28.7	20	0	0	0	0.0	
		544100	Supplies-Office Supplies	2.51	14	14	0	0	0	0.0	
		544400	Supplies-Field Supplies	0.99	1	1	0	0	0	0.0	
		544900	Supplies-Inventory Exempt	10.52	50	10	0	0	0	0.0	
		545600	Reporting & Recording	0.25	13.5	2.5	0	0	0	0.0	
		545700	ISD Services	0.14	0	1.4	0	0	0	0.0	
		545710	DOIT HCM Assessment Fees	0.35	12.5	12.4	0	0	0	0.0	
		545900	Printing & Photo Services	1.19	2	2.5	0	0	0	0.0	
		546100	Postage & Mail Services	2.31	6.5	5	0	0	0	0.0	
		546400	Rent Of Land & Buildings	0.43	1	1	0	0	0	0.0	
		546500	Rent Of Equipment	3.33	8	8	0	0	0	0.0	
		546600	Communications	14.15	22.7	22.7	0	0	0	0.0	
		546610	DOIT Telecommunications	0.19	0.5	0.5	0	0	0	0.0	

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

				546700	Subscriptions/Dues/License Fee	6.15	26	20	0	0	0	0.0
				546800	Employee Training & Education	0.12	1	1	0	0	0	0.0
				546900	Advertising	2.43	8.5	1	0	0	0	0.0
				547000	Legal Settlements	7.5	0	0	0	0	0	0.0
				547900	Miscellaneous Expense	0.56	0.8	0.8	0	0	0	0.0
				548800	Automotive & Aircraft	43.3	0	0	0	0	0	0.0
				549600	Employee O/S Mileage & Fares	0	1.5	0	0	0	0	0.0
				549700	Employee O/S Meals & Lodging	0	1	5	0	0	0	0.0
Subtotal for:	26500	P265-R	Eleventh Judicial District Attorn			1,562.65	3,694.2	4,156.9	442	0	0	0.0
26500						1,562.65	3,694.2	4,156.9	442	0	0	0.0

Totals by Line Item

BusUnit	Line Item	2025-26	2026-27	Request		Recommendation		Opbud
		Actuals	Opbud	Base	Expansion	Base	Expansion	
26500	520100 Exempt Perm Positions P/T&F/T	917.88	2,569.2	2,700.4	442	0	0	0.0
	520800 Annl & Comp Paid At Separation	8.08	0	0	0	0	0	0.0
	521100 Group Insurance Premium	54.09	118.8	179.4	0	0	0	0.0
	521200 Retirement Contributions	153.58	248.5	520	0	0	0	0.0
	521300 F I C A	70.03	97.2	166.8	0	0	0	0.0
	521400 Workers' Comp Assessment Fee	1.48	0.2	0.3	0	0	0	0.0
	521500 Unemployment Comp Premium	18.23	0	0	0	0	0	0.0
	521600 Employee Liability Ins Premium	12.53	0	0	0	0	0	0.0
	521700 RHC Act Contributions	15.97	25.8	56.7	0	0	0	0.0
	535300 Other Services	0.86	2	2	0	0	0	0.0
	535400 Audit Services	0	15.5	17.4	0	0	0	0.0
	535500 Attorney Services	182.12	359	359	0	0	0	0.0
	542100 Employee I/S Mileage & Fares	0.55	0.1	0.1	0	0	0	0.0
	542200 Employee I/S Meals & Lodging	1.64	10	10	0	0	0	0.0
	542500 Transp - Fuel & Oil	0.78	3	3	0	0	0	0.0
	542600 Transp - Parts & Supplies	0	2.5	2.5	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

543500	Maint - Supplies	0.36	0	0.5	0	0	0	0.0
543820	Maintenance IT	0	5	0	0	0	0	0.0
543830	IT HW/SW Agreements	7.72	38.2	10	0	0	0	0.0
544000	Supply Inventory IT	20.36	28.7	20	0	0	0	0.0
544100	Supplies-Office Supplies	2.51	14	14	0	0	0	0.0
544400	Supplies-Field Supplies	0.99	1	1	0	0	0	0.0
544900	Supplies-Inventory Exempt	10.52	50	10	0	0	0	0.0
545600	Reporting & Recording	0.25	13.5	2.5	0	0	0	0.0
545700	ISD Services	0.14	0	1.4	0	0	0	0.0
545710	DOIT HCM Assessment Fees	0.35	12.5	12.4	0	0	0	0.0
545900	Printing & Photo Services	1.19	2	2.5	0	0	0	0.0
546100	Postage & Mail Services	2.31	6.5	5	0	0	0	0.0
546400	Rent Of Land & Buildings	0.43	1	1	0	0	0	0.0
546500	Rent Of Equipment	3.33	8	8	0	0	0	0.0
546600	Communications	14.15	22.7	22.7	0	0	0	0.0
546610	DOIT Telecommunications	0.19	0.5	0.5	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	6.15	26	20	0	0	0	0.0
546800	Employee Training & Education	0.12	1	1	0	0	0	0.0
546900	Advertising	2.43	8.5	1	0	0	0	0.0
547000	Legal Settlements	7.5	0	0	0	0	0	0.0
547900	Miscellaneous Expense	0.56	0.8	0.8	0	0	0	0.0
548800	Automotive & Aircraft	43.3	0	0	0	0	0	0.0
549600	Employee O/S Mileage & Fares	0	1.5	0	0	0	0	0.0
549700	Employee O/S Meals & Lodging	0	1	5	0	0	0	0.0
Grand Total		1,562.65	3,694.2	4,156.9	442	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

P-1 Program Overview

BU PCode
26500 P265

Program Description:

The Prosecution Program of the Eleventh Judicial District Attorney, Division II, exists to uphold the laws of the State of New Mexico and promote public safety, justice, and community well-being throughout McKinley County. The program provides legal, administrative, and victim support services necessary to investigate, prosecute, and resolve criminal cases while ensuring the fair and impartial administration of justice.

As "Ministers of Justice," the program is committed to protecting the rights of victims, defendants, and the public by pursuing criminal prosecutions in accordance with state law and ethical standards. The program strives to hold offenders accountable, reduce crime, improve public safety, and strengthen public trust in the criminal justice system.

The primary activities are to review and evaluate criminal cases submitted by law enforcement agencies. Prosecute felony, misdemeanor, juvenile, and specialty court cases within the district. The primary beneficiaries include the residents of McKinley County, Victims and witnesses of crime.

Major Issues and Accomplishments:

On April 2, 2026, I was appointed by Governor Michelle Lujan Grisham as the District Attorney for the Eleventh Judicial District, Division II. At the time of my appointment, the office was operating with only one attorney responsible for an average annual caseload of approximately 1,906 cases. This severe staffing shortage significantly impacted the office's ability to effectively prosecute violent crimes, address a growing backlog of homicide cases, and meet the needs of crime victims. Within four months of my appointment, I successfully recruited and hired four full-time attorneys and secured two contract attorneys, increasing prosecutorial capacity and stabilizing office operations. These staffing improvements have allowed the office to make measurable progress in reducing case backlogs, increasing case review and charging decisions, improving victim communications, and strengthening the prosecution of violent offenders. The office has also begun developing a Pre-Prosecution Diversion Program (PPD) designed to provide appropriate alternatives to prosecution for eligible offenders while conserving judicial and community resources. This initiative aligns with the legislative intent of Section 31-16A-8 NMSA 1978 by providing services that reduce recidivism and promote accountability while allowing prosecutorial resources to focus on serious and violent offenses.

Overview of Request:

The requested funding levels were developed through an assessment of current caseloads, staffing capacity, statutory responsibilities, and the operational needs of the Eleventh Judicial District Attorney's Office, Division II. The request is primarily focused on increasing prosecutorial effectiveness, expanding victim services, and implementing a Pre-Prosecution Diversion Program (PPD) that will improve public safety outcomes while maximizing the efficiency of criminal justice resources. Since April 2026, the office has undergone substantial rebuilding efforts. At the time of appointment, the office operated with a single attorney managing an average annual caseload of approximately 1,906 cases. Although the office has successfully recruited four full-time attorneys and two contract attorneys, significant challenges remain, including homicide case backlogs, increasing felony caseloads, victim-service demands, and the development of diversion programming. The 4 requested FTE expansion represents the minimum staffing necessary to address these operational demands and maintain progress achieved during the current fiscal year.

P-1 Program Overview

BU PCode
26500 P265

Programmatic Changes: Pre-Prosecution Diversion Program Implementation; The most significant programmatic change will be the formal implementation of the Pre-Prosecution Diversion Program (PPD) pursuant to Section 31-16A-8 NMSA 1978. This program will establish a structured alternative for eligible non-violent offenders, allowing participants to receive services and interventions designed to reduce future criminal behavior while avoiding formal prosecution when appropriate. The program will introduce new screening, assessment, case management, and reporting processes that require dedicated oversight and administrative support. By diverting appropriate cases from traditional prosecution, the office expects to reduce court congestion, decrease demands on detention resources, improve participant outcomes, and allow prosecutors to focus greater attention on violent and serious felony offenses. Expansion of Victim-Centered Services; The office will also implement enhanced victim services policies aimed at improving compliance with victims' rights requirements and increasing engagement with victims and surviving family members throughout the criminal justice process. These changes will include improved notification procedures, more consistent victim contact, expanded advocacy services, and increased coordination with community service providers. The addition of a Victim Advocate Coordinator and Victim Advocate Specialist will allow the office to better manage growing caseloads, reduce service delays, improve case preparation, and ensure victims receive timely information regarding court proceedings, plea negotiations, sentencing hearings, and case dispositions.

Base Budget Justification: Since April, the office has demonstrated substantial progress in rebuilding prosecutorial operations and restoring public confidence in the criminal justice system. The addition of new attorneys has increased the office's ability to review cases, pursue violent offenders, and improve responsiveness to law enforcement agencies and crime victims. To support operational effectiveness and program expansion, the District Attorney's Office is requesting funding for the following positions: Pre-Prosecution Diversion Program 1.0 FTE Program Administrator; Provides oversight of the diversion program. 1.0 FTE Prosecution Specialist. Provides administrative and operational support to the PPD Director. 1.0 FTE Victim Advocate Coordinator Supervises victim services personnel. Ensures compliance with victim rights requirements. 1.0 FTE Victim Advocate Specialist; Supports increased caseload demands and reduces service needs of McKinley County residents. The amount of the expansion increase will be \$404,602 salary and benefits for 4 FTE. All current positions salary and benefits amount has been verified. 6 Vacant positions will be filled.

BU PCode Department
26500 P265 000000

EB-1 Expansion Justifications
(Dollars in Thousands)

PPD-Program Specialist

Rank: 2

New Initiative	2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
General Fund Transfers	94.7	0.0	0.0	0.0	94.7	0.0
REVENUE, TRANSFERS	94.7	0.0	0.0	0.0	94.7	0.0
Personal services and employee t	94.7	0.0	0.0	0.0	94.7	0.0
EXPENDITURES	94.7	0.0	0.0	0.0	94.7	0.0

Brief Description:

The Program Specialist is to assist the Pre-Prosecution Diversion Program Director which will align with the ACT [31-16A-8 NMSA 1978] which is to remove those persons from the criminal justice system who are the most amenable to rehabilitation and least likely to commit future offenses, to provide those person with service designed to assist them in avoiding future criminal activity, to conserve community and criminal justice resources, to provide standard guidelines and to evaluate Pre-Prosecution Program.

Legislative Change: ☐Session Law Citation: ☐Legal Settlement: ☐Case Number or Citation: ☐

PPD-Program Administrator

Rank: 1

New Initiative	2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
General Fund Transfers	121.8	0.0	0.0	0.0	121.8	0.0
REVENUE, TRANSFERS	121.8	0.0	0.0	0.0	121.8	0.0
Personal services and employee t	121.8	0.0	0.0	0.0	121.8	0.0
EXPENDITURES	121.8	0.0	0.0	0.0	121.8	0.0

Brief Description:

The purpose of the Pre-Prosecution Diversion Program position is to be align with the Act [31-16A-8 NMSA 1978] which is to remove those persons from the criminal justice system who are the most amenable to rehabilitation and least likely to commit future offenses, to provide those persons with service designed to assist them in avoiding future criminal activity, to conserve community and criminal justice resources, to provide standard guideline and to evaluate Pre-Prosecution Program.

Legislative Change: ☐Session Law Citation: ☐Legal Settlement: ☐Case Number or Citation: ☐

EB-1 Expansion Justifications
(Dollars in Thousands)

Victim Witness Coordinator

Rank: 3

New Initiative	2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
General Fund Transfers	121.8	0.0	0.0	0.0	121.8	0.0
REVENUE, TRANSFERS	121.8	0.0	0.0	0.0	121.8	0.0
Personal services and employee t	121.8	0.0	0.0	0.0	121.8	0.0
EXPENDITURES	121.8	0.0	0.0	0.0	121.8	0.0

Brief Description:

The Victim Witness Coordinator oversees the Victim Witness Program and ensures compliance with victims' rights requirements. The position coordinates victim services, maintains regular communication with victims and witnesses, provides advocacy and referrals, monitors case-related notifications, and collaborates with prosecutors, law enforcement, and community partners. This position strengthens program oversight, improves service delivery, and ensures victims receive timely information, assistance, and support throughout the criminal justice process.

Legislative Change: ☐Session Law Citation: ☐Legal Settlement: ☐Case Number or Citation: ☐

Victim Witness Specialist

Rank: 4

New Initiative	2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
General Fund Transfers	103.7	0.0	0.0	0.0	103.7	0.0
REVENUE, TRANSFERS	103.7	0.0	0.0	0.0	103.7	0.0
Personal services and employee t	103.7	0.0	0.0	0.0	103.7	0.0
EXPENDITURES	103.7	0.0	0.0	0.0	103.7	0.0

Brief Description:

The General Fund increase will support a Victim Witness Specialist position to enhance services provided through the Victim Witness Program. This position will help the Victim Witness Coordinator increasing caseloads, reduce service delays, improve case preparation and coordination, and ensure victims receive timely information regarding court proceedings, plea negotiations, sentencing hearings, and case dispositions. The addition of this position will strengthen victim advocacy services, improve communication with victims, and support compliance with victim rights requirements.

Legislative Change: ☐Session Law Citation: ☐

Eleventh Judicial District Attorney, Division

State of New Mexico

BU	PCode	Department
26500	P265	000000

EB-1 Expansion Justifications
(Dollars in Thousands)

Legal Settlement: _____

Case Number or Citation:

BU PCode Department
26500 P265 000000

EB-2 Expansion Fiscal Summary
(Dollars in Thousands)

PPD-Program Specialist

Rank: 2

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
111	General Fund Transfers	94.7	0.0	0.0	0.0	94.7	0.0
REVENUE, TRANSFERS		94.7	0.0	0.0	0.0	94.7	0.0
200	Personal services and employee benefits	94.7	0.0	0.0	0.0	94.7	0.0
EXPENDITURES		94.7	0.0	0.0	0.0	94.7	0.0

0.0

PPD-Program Administrator

Rank: 1

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
111	General Fund Transfers	121.8	0.0	0.0	0.0	121.8	0.0
REVENUE, TRANSFERS		121.8	0.0	0.0	0.0	121.8	0.0
200	Personal services and employee benefits	121.8	0.0	0.0	0.0	121.8	0.0
EXPENDITURES		121.8	0.0	0.0	0.0	121.8	0.0

0.0

Victim Witness Coordinator

Rank: 3

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
111	General Fund Transfers	121.8	0.0	0.0	0.0	121.8	0.0
REVENUE, TRANSFERS		121.8	0.0	0.0	0.0	121.8	0.0
200	Personal services and employee benefits	121.8	0.0	0.0	0.0	121.8	0.0
EXPENDITURES		121.8	0.0	0.0	0.0	121.8	0.0

0.0

Victim Witness Specialist

Rank: 4

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/ IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
111	General Fund Transfers	103.7	0.0	0.0	0.0	103.7	0.0
REVENUE, TRANSFERS		103.7	0.0	0.0	0.0	103.7	0.0
200	Personal services and employee benefits	103.7	0.0	0.0	0.0	103.7	0.0
EXPENDITURES		103.7	0.0	0.0	0.0	103.7	0.0

EB-2 Expansion Fiscal Summary
(Dollars in Thousands)

0.0

BU PCode Department
26500 P265 000000

EB-3 Expansion Line Item Detail
(Dollars in Thousands)

PPD-Program Specialist

Rank: 2

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
520100	Exempt Perm Positions P/T&F/T	94.7	0.0	0.0	0.0	94.7	0.0
200	Personal services and employee benefits	94.7	0.0	0.0	0.0	94.7	0.0
Total for PPD-Program Specialist		94.7	0.0	0.0	0.0	94.7	0.0

PPD-Program Administrator

Rank: 1

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
520100	Exempt Perm Positions P/T&F/T	121.8	0.0	0.0	0.0	121.8	0.0
200	Personal services and employee benefits	121.8	0.0	0.0	0.0	121.8	0.0
Total for PPD-Program Administrator		121.8	0.0	0.0	0.0	121.8	0.0

Victim Witness Coordinator

Rank: 3

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
520100	Exempt Perm Positions P/T&F/T	121.8	0.0	0.0	0.0	121.8	0.0
200	Personal services and employee benefits	121.8	0.0	0.0	0.0	121.8	0.0
Total for Victim Witness Coordinator		121.8	0.0	0.0	0.0	121.8	0.0

Victim Witness Specialist

Rank: 4

		2027-28 GF Sources	2027-28 OSF Sources	2027-28 ISF/IAT Sources	2027-28 FF Sources	2027-28 Total Request	2027-28 Exec Recommendation
520100	Exempt Perm Positions P/T&F/T	103.7	0.0	0.0	0.0	103.7	0.0
200	Personal services and employee benefits	103.7	0.0	0.0	0.0	103.7	0.0
Total for Victim Witness Specialist		103.7	0.0	0.0	0.0	103.7	0.0

FY 28 POSITIONS EXPANSION

				Mid-Range	Annual Salary	Group Ins.	Retirement 19.24%	FICA 7.65%	Retire Health 2%	
Program Administrator (PPD Director)				41.95	87,906	6138	16784	5,409.00	2181	118,418
Program Specialist (PPD Assistant)				31.84	66,736	6138	12742	4,106.00	1656	91,378
Victim Adocate Coordinator				35.18	73,737	6138	14079	4537	1829	100,320
Victim Adocate Specialist				35.18	66,736	6138	12742	4,106.00	1656	91,378
					295,115	24552	56347	18,158.00	7322	401,494

TOTAL

FY28 BUDGET REQUEST
MODULE EXPLANATIONS FOR EXPANSION
PROGRAM ADMINISTRATOR

A: PERFORMANCE REFERENCE:

The reference for this request addresses the need for expansion to service the communities of the Eleventh Judicial District Attorney, Division II, in the form of a full-time Program Administrator that will provide Pre-Prosecution Diversion Program services to McKinley County. Our mission statement is to guard all citizens' full range of rights, while protecting against abuse thereto; to protect all members of our diverse community. Our value is to be available to the citizens to hear his/her story and give them directions to find resolutions in the judicial and/or social service systems.

B: BRIEF DESCRIPTION

The purpose of the Pre-Prosecution Diversion Program position is to be align with the Act [31-16A-8 NMSA 1978] which is to remove those persons from the criminal justice system who are the most amenable to rehabilitation and least likely to commit future offenses, to provide those persons with service designed to assist them in avoiding future criminal activity, to conserve community and criminal justice resources, to provide standard guideline and to evaluate Pre-Prosecution Program.

C: PROBLEM BEING ADDRESSED

New Mexico's Pre-Persecution Diversion (PPD) programs target low-level, non-violent crime by treating root causes like drug use, mental illness, and job loss outside of jail. The program aims to stop repeated crimes, cut court costs, and give first-time offenders a second chance to clear their records. The core issue addressed is Substance Abuse. This program will connect people to drug counseling and testing instead of immediate incarceration. Behavioral and Mental Health. The program will target psychological needs through supervised treatment referrals. Socioeconomic struggles that will require participants to maintain a job or go to school to build stability. The program will reduce the massive burden on local courts, jails and district attorneys. This position will coordinate with the courts, detention centers, law enforcement agencies and defense attorneys. This FTE expansion will allow the Eleventh Judicial District to continue a newly established Pre-Prosecution Diversion Program that will be beneficial in McKinly County.

D: DESCRIPTION OF HOW PERFORMANCE WILL BE IMPROVED

This Pre-Prosecution Diversion Program will start operating in August 2026 and will make a great impact ensuring that criminal offenders are complying with court ordered conditions of release such as not consuming illegal drugs or alcohol, being home by curfew, staying away from prohibited places, etc. This program is a deterrent for criminal offenders re-offending, allows the State to identify and address treatment needs early, gives criminal offenders a chance to prove they can (or cannot) follow the court orders prior to sentencing, provides safety for victims and provides for an overall safer community for its residents.

E: CONSEQUENCES OF NOT FUNDING THIS EXPANSION

If this expansion is not approved, the Eleventh Judicial District Attorney will continue to experience increases in court caseloads, forcing more low-level nonviolent offenders into traditional criminal trials and substance abuse treatment which can lead to high rates of repeat offenses. Eleventh Judicial District will not be able to continue operating the Pre-Prosecution Diversion program, and our communities and victims will not be safe.

F: ASSUMPTIONS AND METHODOLOGY

The amount indicated in our expansion requests is based on the calculated salaries and benefits projections to fill the position of Program Administrator at midpoint, and assuming the incumbent participates in medical/retirement benefits.

G: PERFORMANCE MEASURES

The nature of this position requested in this expansion has performance measures in place that are directly calculated through our present performance-based budgeting measures. In addition, however, there would be a measurable data increase in Annual Performance Based Budget Reports with the approval of this expansion.

Agency and Expansion Request Information

Agency: 11th Judicial District Attorney, Division II

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Short Title of Request: Program Administrator (PPD Director)

Point of contact for follow-up information:

Name: Bernice Martinez

Title: Financial Manager/CFO

Phone: (505) 722-2281

E-Mail: bmartinez@da.state.nm.us

Is the requested expansion solely the result of a workload change? No

If yes, no further information is needed. If no, please provide narrative responses addressing item below.

FY28 BUDGET REQUEST
MODULE EXPLANATIONS FOR EXPANSION
PROGRAM SPECIALIST

A: PERFORMANCE REFERENCE:

The reference for this request addresses the need for expansion to service the communities of the Eleventh Judicial District Attorney, Division II, in the form of a full-time Program Specialist to assist the Program Administrator in providing Pre-Prosecution Diversion Program services to McKinley County. Our mission statement is to guard all citizens' full range of rights, while protecting against abuse thereto; to protect all members of our diverse community. Our value is to be available to the citizens to hear his/her story and give them directions to find resolutions in the judicial and/or social service systems.

B: BRIEF DESCRIPTION

The purpose of the Pre-Prosecution Diversion Program position is to be align with the Act [31-16A-8 NMSA 1978] which is to remove those persons from the criminal justice system who are the most amenable to rehabilitation and least likely to commit future offenses, to provide those persons with service designed to assist them in avoiding future criminal activity, to conserve community and criminal justice resources, to provide standard guideline and to evaluate Pre-Prosecution Program.

C: PROBLEM BEING ADDRESSED

New Mexico's Pre-Persecution Diversion (PPD) programs target low-level, non-violent crime by treating root causes like drug use, mental illness, and job loss outside of jail. The program aims to stop repeated crimes, cut court costs, and give first-time offenders a second chance to clear their records. The core issue addressed is Substance Abuse. This program will connect people to drug counseling and testing instead of immediate incarceration. Behavioral and Mental Health. The program will target psychological needs through supervised treatment referrals. Socioeconomic struggles that will require participants to maintain a job or go to school to build stability. The program will reduce the massive burden on local courts, jails and district attorneys. This position will coordinate with the courts, detention centers, law enforcement agencies and defense attorneys. This FTE expansion will allow the Eleventh Judicial District to continue a newly established Pre-Prosecution Diversion Program that will be beneficial in McKinly County.

D: DESCRIPTION OF HOW PERFORMANCE WILL BE IMPROVED

This Pre-Prosecution Diversion Program will start operating in August 2026 and will make a great impact ensuring that criminal offenders are complying with court ordered conditions of release such as not consuming illegal drugs or alcohol, being home by curfew, staying away from prohibited places, etc. This program is a deterrent for criminal offenders re-offending, allows the State to identify and address treatment needs early, gives criminal offenders a chance to prove they can (or cannot) follow the court orders prior to sentencing, provides safety for victims and provides for an overall safer community for its residents.

E: CONSEQUENCES OF NOT FUNDING THIS EXPANSION

If this expansion is not approved, the Eleventh Judicial District Attorney will continue to experience increases in court caseloads, forcing more low-level nonviolent offenders into traditional criminal trials and substance abuse treatment which can lead to high rates of repeat offenses. Eleventh Judicial District will not be able to continue operating the Pre-Prosecution Diversion program, and our communities and victims will not be safe.

F: ASSUMPTIONS AND METHODOLOGY

The amount indicated in our expansion requests is based on the calculated salaries and benefits projections to fill the position of Program Specialist at midpoint, and assuming the incumbent participates in medical/retirement benefits.

G: PERFORMANCE MEASURES

The nature of this position requested in this expansion has performance measures in place that are directly calculated through our present performance-based budgeting measures. In addition, however, there would be a measurable data increase in Annual Performance Based Budget Reports with the approval of this expansion.

Agency and Expansion Request Information

Agency: 11th Judicial District Attorney, Division II

Formatted: Superscript

Short Title of Request: Program Specialist (Assistant to the PPD Director)

Point of contact for follow-up information:

Name: Bernice Martinez

Title: Financial Manager/CFO

Phone: (505) 722-2281

E-Mail: bmartinez@da.state.nm.us

Is the requested expansion solely the result of a workload change? No

If yes, no further information is needed. If no, please provide narrative responses addressing item below.

FY28 BUDGET REQUEST

MODULE EXPLANATIONS FOR EXPANSION

VICTIM WITNESS COORDINATOR

Performance Reference:

The Victim Witness Coordinator position will improve program oversight, ensure compliance with victim rights requirements, and enhance the delivery of victim services. Performance will be measured by timely victim notifications, increased victim contacts, expanded advocacy and referral services, improved coordination of resources, reduced service delays, and increased compliance with statutory victim rights obligations. Additional measures include improved caseload management, victim satisfaction, and the program's ability to provide consistent support and communication throughout the criminal justice process.

Brief Description:

The Victim Witness Coordinator oversees the Victim Witness Program and ensures compliance with victims' rights requirements. The position coordinates victim services, maintains regular communication with victims and witnesses, provides advocacy and referrals, monitors case-related notifications, and collaborates with prosecutors, law enforcement, and community partners. This position strengthens program oversight, improves service delivery, and ensures victims receive timely information, assistance, and support throughout the criminal justice process.

Problem Being Addressed:

The Victim Witness Program is facing increased service demands and limited staffing capacity, making it difficult to provide consistent communication, advocacy, and support to victims and witnesses throughout the criminal justice process. Current staffing constraints can result in delays in victim notifications, reduced follow-up, and challenges in coordinating services and community resources. The Victim Witness Coordinator position is needed to provide program oversight, ensure compliance with victim rights requirements, improve coordination of victim services, expand advocacy efforts, and maintain timely communication with victims. This position will help address staffing shortages, improve service quality, and strengthen the overall effectiveness of the Victim Witness Program.

Description of How Performance Will Be Improved:

The addition of a Victim Witness Coordinator will improve overall program performance by providing dedicated oversight of victim services and ensuring consistent compliance with victim rights requirements. The position will enhance communication with victims and witnesses, improve the timeliness of notifications regarding court proceedings and case updates, and strengthen coordination among prosecutors, law enforcement agencies, and community service providers. Increased oversight will reduce service delays, improve case management and resource coordination, expand advocacy services, and ensure victims receive timely information, assistance, and support throughout the criminal justice process. As a result, the office will be better equipped to meet growing service demands, improve program effectiveness, and provide a higher level of service to crime victims and witnesses.

Consequences of Not Funding This Expansion:

Failure to fund the Victim Witness Coordinator position will limit the office's ability to effectively oversee and manage the Victim Witness Program. Existing staff will continue to face increased workloads, resulting in delays in victim notifications, reduced communication with victims and witnesses, and limited capacity to provide advocacy and support services. Without adequate program oversight, compliance with victim rights requirements may be more difficult to maintain, increasing the risk of missed notifications and reduced service quality. Additionally, staffing shortages will hinder efforts to coordinate community resources, address growing caseloads, and provide timely assistance to victims. This may negatively impact victim engagement, satisfaction, and the overall effectiveness of services provided throughout the criminal justice process.

Assumptions and Methodology:

This request assumes that victim service demands and caseloads will continue to increase, requiring enhanced program oversight and coordination to maintain compliance with victim rights requirements and service standards. Current staffing levels are insufficient to provide the level of communication, advocacy, resource coordination, and program management necessary to meet growing operational needs.

The methodology is based on an assessment of current caseload volumes, staff workloads, victim service demands, notification requirements, and program coordination responsibilities. Funding a Victim Witness Coordinator will provide dedicated oversight of the Victim Witness Program, improve resource allocation, strengthen victim outreach and communication, enhance coordination with criminal justice and community

partners, and ensure compliance with victim rights obligations. Performance improvements will be measured through timely victim notifications, increased victim contacts, improved service coordination, expanded advocacy services, reduced service delays, and overall program effectiveness.

Performance Measures

- Percentage of victims notified of court proceedings, plea negotiations, sentencing hearings, and case dispositions within required timeframes.
- Number of victim and witness contacts completed and documented each month.
- Percentage of victims receiving advocacy, support, and referral services.
- Timeliness of responses to victim inquiries and requests for assistance.
- Number of community resource referrals coordinated for victims and witnesses.
- Compliance rate with state and federal victim rights requirements.
- Reduction in service delays and backlog of victim notifications.
- Improvement in case coordination between prosecutors, law enforcement, and service providers.
- Victim satisfaction with services and communication provided through the Victim Witness Program.
- Increased capacity to manage caseloads while maintaining service quality standards.

Expected Outcome: Improved compliance with victim rights requirements, enhanced communication and advocacy services, reduced service delays, better resource coordination, and increased support for victims and witnesses throughout the criminal justice process. Overall increase in productivity and an improvement in the Performance Base Budget reporting.

Agency and Expansion Request Information

Agency: 11th Judicial District Attorney, Division II

Formatted: Superscript

Short Title of Request: Victim Witness Coordinator

Point of contact for follow-up information:

Name: Bernice Martinez

Title: Financial Manager/CFO

Phone: (505) 722-2281

E-Mail: bmartinez@da.state.nm.us

Is the requested expansion solely the result of a workload change? Yes

If yes, no further information is needed. If no, please provide narrative responses addressing item below.

FY28 BUDGET REQUEST

MODULE EXPANATIONS FOR EXPANSION

VICTIM WITNESS SPECIALIST

Performance Reference: The Victim Witness Specialist position will improve victim services by increasing timely victim notifications, reducing service delays, enhancing case preparation and coordination, and ensuring compliance with victim rights requirements. Performance will be measured through caseload management, victim contact rates, timely notification of court proceedings, plea negotiations, sentencing hearings, and case dispositions, as well as improved service delivery and victim support outcomes.

Brief Description:

Provides direct support and advocacy services to crime victims and witnesses throughout the criminal justice process. Responsibilities include maintaining regular contact with victims, providing case status updates, coordinating notifications for court proceedings, plea negotiations, sentencing hearings, and case dispositions, assisting with victim rights compliance, making referrals to community resources, and supporting case preparation. This position helps manage increasing caseloads, reduce service delays, and ensure victims receive timely information and assistance.

Problem Being Addressed:

The Victim Witness Program is experiencing increased caseloads and limited staffing resources, resulting in challenges maintaining timely communication and support for victims and witnesses. Additional staffing is needed to ensure compliance with victim rights requirements, provide prompt notifications regarding court proceedings, plea negotiations, sentencing hearings, and case dispositions, and expand advocacy and referral services. The Victim Witness Specialist position will help reduce service delays, improve case coordination and preparation, enhance victim engagement, and ensure victims receive the support and information necessary to effectively participate in the criminal justice process.

Description of How Performance Will Be Improved:

The addition of a Victim Witness Specialist will improve the office's ability to provide timely and consistent services to crime victims and witnesses. The position will enhance victim communication, ensure prompt notification of court proceedings, plea negotiations, sentencing hearings, and case dispositions, and reduce service delays caused by increasing caseloads. Improved staffing capacity will strengthen compliance with victim rights requirements, increase access to advocacy and support services, improve case preparation and coordination, and

enhance overall program effectiveness. As a result, victims will receive more responsive services and greater support throughout the criminal justice process.

Consequences of Not Funding This Expansion:

Failure to fund the Victim Witness Specialist position will limit the office's ability to effectively respond to increasing caseloads and victim service demands. Existing staff will face increased workloads, resulting in delays in victim notifications, reduced victim contact, and decreased availability of advocacy and support services. Victims may not receive timely information regarding court proceedings, plea negotiations, sentencing hearings, and case dispositions, which could negatively impact compliance with victim's rights requirements. Additionally, continued staffing shortages may lead to reduced service quality, decreased victim engagement, and diminished overall effectiveness of the Victim Witness Program.

Assumptions and Methodology:

The request assumes that victim caseloads will continue to increase and that current staffing levels are insufficient to meet growing service demands and victim rights requirements. The methodology is based on an assessment of current caseload volumes, staff workload, service response times, and the need for timely victim notifications and advocacy services. Funding for a Victim Witness Specialist will increase staffing capacity, improve case management and victim contact, reduce service delays, and enhance compliance with victim rights requirements. Performance improvements will be measured through increased victim contacts, timely notifications, improved case coordination, reduced staff workload, and enhanced delivery of victim advocacy and support services.

Performance Measures

- Percentage of victims notified of court proceedings, plea negotiations, sentencing hearings, and case dispositions within required timeframes.
- Number of victim and witness contacts completed each month.
- Average response time to victim inquiries and requests for assistance.
- Number of victims receiving advocacy, referral, and support services.
- Percentage of cases receiving timely victim notification and case updates.
- Reduction in service delays and unresolved victim contacts.
- Victim satisfaction with services provided through the Victim Witness Program.
- Compliance rate with victim rights requirements and statutory notification obligations.
- Number of community resource referrals provided to victims and witnesses.
- Caseload managed per Victim Witness Specialist while maintaining service standards.

Expected Outcome: Overall increase in productivity and an improvement in the Performance-Base Budget reporting.

Agency and Expansion Request Information

Agency: 11th Judicial District Attorney, Division II

Formatted: Superscript

Short Title of Request: Victim Witness Specialist

Point of contact for follow-up information:

Name: Bernice Martinez

Title: Financial Manager/CFO

Phone: (505) 722-2281

E-Mail: bmartinez@da.state.nm.us

Is the requested expansion solely the result of a workload change? Yes

If yes, no further information is needed. If no, please provide narrative responses addressing item below.

ARTICLE 16A

Preprosecution Diversion

31-16A-1. Short title.

This act [31-16A-1 to 31-16A-8 NMSA 1978] may be cited as the "Preprosecution Diversion Act".

History: Laws 1981, ch. 33, § 1.

31-16A-2. Purpose.

The purposes of the Preprosecution Diversion Act are to remove those persons from the criminal justice system who are most amenable to rehabilitation and least likely to commit future offenses, to provide those persons with services designed to assist them in avoiding future criminal activity, to conserve community and criminal justice resources, to provide standard guidelines and to evaluate preprosecution programs.

History: Laws 1981, ch. 33, § 2.

31-16A-3. Program establishment.

Each district attorney shall establish a preprosecution diversion program in his judicial district in accordance with the provisions of the Preprosecution Diversion Act to the extent public or private funds permit.

History: Laws 1981, ch. 33, § 3.

31-16A-4. Eligibility.

A. A defendant shall meet the following minimum criteria to be eligible for a preprosecution diversion program:

- (1) the defendant shall have no prior felony convictions for a violent crime;
- (2) the defendant is willing to participate in the program and submit to all program requirements;
- (3) any additional criteria set by the district attorney.

B. A person who meets all of the criteria pursuant to Subsection A of this section may be entered into the preprosecution diversion program; provided that the district attorney may elect not to divert a person to the preprosecution diversion program even though that person meets the minimum criteria set forth in this section.

C. A decision by the district attorney not to divert a person to the preprosecution diversion program is not subject to appeal and shall not be raised as a defense to any prosecution or habitual offender proceeding.

History: Laws 1981, ch. 33, § 4; 2019, ch. 211, § 5.

ANNOTATIONS

The 2019 amendment, effective July 1, 2019, revised eligibility requirements for preprosecution diversion, requiring only that the defendant have no prior felony convictions for a violent crime and is willing to participate in the program and submit to program requirements while allowing the district attorney to set any additional requirements; in Subsection A, after "defendant", deleted "must" and added "shall", in Paragraph A(1), after "defendant", deleted "must" and added "shall", after "violent crime;", deleted "and no prior felony convictions for any crime for the previous ten years", deleted former Paragraphs A(2) through A(4) and redesignated former Paragraph A(5) as Paragraph A(2), deleted former Paragraphs A(6) and Paragraph A(7), and added a new Paragraph A(3); in Subsection B, after "A", deleted "district attorney may set additional criteria" and added the remainder of the subsection; and added Subsection C.

31-16A-5. Program functions and responsibilities.

The preprosecution diversion program in each judicial district shall include:

- A. individual counseling and guidance for all participants;
- B. required victim restitution where applicable to the extent practical. In addition to monetary restitution, a program may require public service restitution; and
- C. referral resources where clients may be sent for treatment and rehabilitation.

History: Laws 1981, ch. 33, § 5.

ANNOTATIONS

Termination of preprosecution agreement by state. — The state may terminate a preprosecution diversion agreement, even if the sole ground is the defendant's nonwilful failure to make restitution, but only if there are no adequate alternatives to termination which will meet the state's legitimate penological interests. *State v. Jimenez*, 1991-NMSC-041, 111 N.M. 782, 810 P.2d 801.

31-16A-6. Waivers; suspension of criminal proceedings.

A. A defendant must secure or be appointed defense counsel to be present at a preprosecution diversion screening interview prior to applying for acceptance into a preprosecution diversion program, and, upon applying, the defendant shall waive his constitutional right to a preliminary hearing as set forth in Rule 15(d) of the Rules of Criminal Procedure for the Magistrate Courts [Rule 6-202D NMRA].

B. If a defendant is certified eligible by the district attorney and by the preprosecution diversion program, the defendant shall also waive his constitutional right to a speedy trial and any rights as provided by Rule 37(b) of the Rules of Criminal Procedure for the District Court [Courts] [Rule 5-604B NMRA]. Upon entry of this waiver, the district attorney shall divert the defendant into the

preprosecution diversion program and criminal proceedings against the defendant shall be suspended. Participating defendants shall also waive any confidentiality provided by the Arrest Record Information Act [29-10-1 NMSA 1978] to permit scrutiny of records; provided that the publication of the personal information, except the name of the defendant, gathered while a defendant is participating in a program shall not be a public record.

History: Laws 1981, ch. 33, § 6.

ANNOTATIONS

Bracketed material. — The bracketed material in this section was added by the compiler for clarity and it is not part of the law.

31-16A-7. Program participation; reasonable conditions; termination.

A. A defendant may be diverted to a preprosecution diversion program for no less than six months and no longer than two years. A district attorney may extend the diversion period for a defendant as a disciplinary measure or to allow adequate time for restitution; provided that the extension coupled with the original period does not exceed two years.

B. A district attorney may require as a program requirement that a defendant agree to such reasonable conditions as the district attorney deems necessary to ensure that the defendant will observe the laws of the United States and the various states and the ordinances of any municipality.

C. If a defendant does not comply with the terms, conditions and requirements of a preprosecution diversion program, the defendant's participation in the program may be terminated, and the district attorney may proceed with the suspended criminal prosecution of the defendant.

D. If the participation of a defendant in a preprosecution diversion program is terminated, the district attorney shall state in writing the specific reasons for the termination, which reasons shall be available for review by the defendant and the defendant's counsel.

History: Laws 1981, ch. 33, § 7; 1984, ch. 110, § 5; 2019, ch. 211, § 6.

ANNOTATIONS

Cross references. — For creation of district attorney fund, see 36-1-28 NMSA 1978.

The 2019 amendment, effective July 1, 2019, removed provisions related to the mandatory reimbursement of costs to participate in preprosecution diversion, and made it discretionary to remove a defendant from a preprosecution diversion program for failure to comply with requirements of a program; in the section heading, deleted "costs" and added "reasonable conditions"; added new subsection designation "B." and redesignated former Subsections B and C as Subsection C and D, respectively; in Subsection B, after "any municipality", deleted the remainder of the subsection, which required the defendant to reimburse the district attorney's office for the costs related to his participation in the preprosecution diversion program; and in Subsection C, after "participation in the program", deleted "shall" and added "may".

The 1984 amendment added the third and fourth sentences in Subsection A.

Time limit for refiling charges. — The legislature did not intend to limit the state's ability to refile charges against a defendant for non-compliance with a preprosecution diversion program. *State v.*

Davis, 2007-NMCA-022, 141 N.M. 205, 152 P.3d 848, cert. denied, 2007-NMCERT-002, 141 N.M. 339, 154 P.3d 1239.

Prosecutor's unilateral termination limited. — The prosecutor's authority to unilaterally terminate a diversion program is limited to a termination on the basis of defendant's noncompliance with the program. *State v. Trammel*, 1983-NMCA-139, 100 N.M. 543, 673 P.2d 827.

A trial court may require a prosecutor to keep his end of a diversion program agreement and may determine whether the prosecutor has terminated the preprosecution diversion agreement in violation of his statutory authority. *State v. Trammel*, 1983-NMCA-139, 100 N.M. 543, 673 P.2d 827.

Termination of preprosecution agreement by state. — The state may terminate a preprosecution diversion agreement, even if the sole ground is the defendant's nonwilful failure to make restitution, but only if there are no adequate alternatives to termination which will meet the state's legitimate penological interests. *State v. Jimenez*, 1991-NMSC-041, 111 N.M. 782, 810 P.2d 801.

Court review of reasons for failure to pay. — In proceedings to terminate a preprosecution diversion agreement for failure to pay restitution, the court reviewing the termination must first inquire into the reasons for the failure to pay. *State v. Jimenez*, 1991-NMSC-041, 111 N.M. 782, 810 P.2d 801.

If a defendant has wilfully refused to pay or has failed to make sufficient bona fide efforts legally to acquire the resources to pay, the state may revoke a preprosecution diversion agreement and begin prosecution of the alleged crime or crimes. If, however, the court determines that the defendant has not been at fault in failing to make restitution, then the court must consider whether there are alternatives to termination which will meet the state's legitimate penal interests. *State v. Jimenez*, 1991-NMSC-041, 111 N.M. 782, 810 P.2d 801.

Only if a court determines that alternative measures are not adequate to meet the state's interests may that court uphold termination of a preprosecution diversion agreement when the defendant has made sufficient bona fide efforts to pay. *State v. Jimenez*, 1991-NMSC-041, 111 N.M. 782, 810 P.2d 801.

Wrongful termination of agreement as defense. — A claim that a prosecutor has wrongly terminated a diversion agreement is a defense to the initiation of a criminal prosecution and must be raised prior to trial. *State v. Trammel*, 1983-NMCA-139, 100 N.M. 543, 673 P.2d 827.

Six-month trial period starts when arraignment waived. — Since the defendant was originally indicted for numerous offenses, was diverted into a preprosecution diversion program (PDP), after which the state dismissed the indictment, was later terminated from the program because she had violated the terms of PDP contract, was reindicted on the same charges for which she had previously been indicted, and waived her arraignment on the charges in the second indictment, the six-month time period for commencement of trial (Rule 5-604B NMRA) was calculated from the date the defendant waived arraignment on the second complaint, and not from the date the defendant was terminated from the PDP, where there was no evidence that the dismissal of the initial indictment and the defendant's later reindictment were carried out for purposes of delay or an attempt to circumvent Rule 5-604B(6) NMRA. *State v. Altherr*, 1994-NMCA-029, 117 N.M. 403, 872 P.2d 376, cert. denied, 117 N.M. 524, 873 P.2d 270.

31-16A-8. Record keeping.

A. Each district attorney shall maintain an accurate record of each individual accepted into a preprosecution diversion program for the purpose of complying with the requirements of Paragraph (4) of Subsection A of Section 4 [31-16A-4A(4) NMSA 1978] of the Preprosecution Diversion Act.

B. Each district attorney shall be required to forward to the state police accurate records of acceptance, successful termination or unsuccessful termination of each individual accepted into the program. The state police shall be required to maintain accurate records of all information forwarded to them by each respective district attorney concerning acceptance, successful termination or unsuccessful termination of all preprosecution diversion programs.

History: Laws 1981, ch. 33, § 8.

ARTICLE 17

Victim Restitution

31-17-1. Victim restitution.

A. It is the policy of this state that restitution be made by each violator of the Criminal Code [30-1-1 NMSA 1978] to the victims of his criminal activities to the extent that the defendant is reasonably able to do so. This section shall be interpreted and administered to effectuate this policy. As used in this section, unless the context otherwise requires:

(1) "victim" means any person who has suffered actual damages as a result of the defendant's criminal activities;

(2) "actual damages" means all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish and loss of consortium. Without limitation, "actual damages" includes damages for wrongful death;

(3) "criminal activities" includes any crime for which there is a plea of guilty or verdict of guilty, upon which a judgment may be rendered and any other crime committed after July 1, 1977 which is admitted or not contested by the defendant; and

(4) "restitution" means full or partial payment of actual damages to a victim.

B. If the trial court exercises either of the sentencing options under Section 31-20-6 NMSA 1978, the court shall require as a condition of probation or parole that the defendant, in cooperation with the probation or parole officer assigned to the defendant, promptly prepare a plan of restitution, including a specific amount of restitution to each victim and a schedule of restitution payments. If the defendant is currently unable to make any restitution but there is a reasonable possibility that the defendant may be able to do so at some time during his probation or parole period, the plan of restitution shall also state the conditions under which or the event after which the defendant will make restitution. If the defendant believes that he will not be able to make any restitution, he shall so state and shall specify the reasons. If the defendant believes that no person suffered actual damages as a result of the defendant's criminal activities, he shall so state.

C. The defendant's plan of restitution and the recommendations of his probation or parole officer shall be submitted promptly to the court. The court shall promptly enter an order approving, disapproving or modifying the plan, taking into account the factors enumerated in Subsection D [E] of this section. Compliance with the plan of restitution as approved or modified by the court shall be a condition of the defendant's probation or parole. Restitution payments shall be made to the clerk of the court unless otherwise directed by the court. The court thereafter may modify the plan at any time upon the defendant's request or upon the court's own motion. If the plan as approved or modified does not require full payment of actual damages to all victims or if the court determines that the defendant is not able and will not be able to make any restitution at any time during his probation or parole period

or that no person suffered actual damages as a result of the defendant's criminal activities, the court shall file a specific written statement of its reasons for and the facts supporting its action or determination.

D. An order requiring an offender to pay restitution, validly entered pursuant to this section, constitutes a judgment and lien against all property of a defendant for the amount the defendant is obligated to pay under the order and may be recorded in any office for the filing of liens against real or personal property, or for garnishment. A judgment of restitution may be enforced by the state, a victim entitled under the order to receive restitution, a deceased victim's estate or any other beneficiary of the judgment in the same manner as a civil judgment. An order of restitution is enforceable, if valid, pursuant to this section, the Victims of Crime Act [31-26-1 NMSA 1978] or Article 2, Section 24 of the constitution of New Mexico. Nothing in this section shall be construed to limit the ability of a victim to pursue full civil legal remedies.

E. The probation or parole officer, when assisting the defendant in preparing the plan of restitution, and the court, before approving, disapproving or modifying the plan of restitution, shall consider the physical and mental health and condition of the defendant; the defendant's age, education, employment circumstances, potential for employment and vocational training, family circumstances and financial condition; the number of victims; the actual damages of each victim; what plan of restitution will most effectively aid the rehabilitation of the defendant; and such other factors as shall be appropriate. The probation or parole officer shall attempt to determine the name and address of each victim and the amount of pecuniary damages of each victim.

F. The clerk of the court shall mail to each known victim a copy of the court's order approving or modifying the plan of restitution, including the court's statement, if any, pursuant to the provisions of Subsection C of this section.

G. At any time during the probation or parole period, the defendant or the victim may request and the court shall grant a hearing on any matter related to the plan of restitution.

H. Failure of the defendant to comply with Subsection B of this section or to comply with the plan of restitution as approved or modified by the court may constitute a violation of the conditions of probation or parole. Without limitation, the court may modify the plan of restitution or extend the period of time for restitution, but not beyond the maximum probation or parole period specified in Section 31-21-10 NMSA 1978.

I. This section and proceedings pursuant to this section shall not limit or impair the rights of victims to recover damages from the defendant in a civil action.

J. The rightful owner of any stolen property is the individual from whom the property was stolen. When recovering his property, the rightful owner of the stolen property shall not be civilly liable to any subsequent holder, possessor or retainer of the property for the purchase or sale price of the property or for any other costs or expenses associated with the property. Any subsequent holder, possessor or retainer of returned stolen property shall return the property to the rightful owner. The subsequent holder, possessor or retainer shall have a cause of action against the person from whom he obtained the property for actual damages.

History: 1953 Comp., § 40A-29-18.1, enacted by Laws 1977, ch. 217, § 2; 1989, ch. 101, § 1; 1993, ch. 221, § 1; 2005, ch. 282, § 1.

ANNOTATIONS

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law. Laws 2005, ch. 282, § 1 added a new Subsection "D", therefore former Subsection "D" became Subsection "E".

The 2005 amendment, effective June 17, 2005, added Subsection D to provide that an order requiring an offender to pay restitution is a judgment and lien against all property of the defendant and may be recorded in any office for the filing of liens against real or personal property or for garnishment and to provide for the enforcement of the order of restitution.

The 1993 amendment, effective June 18, 1993, deleted "of New Mexico" following "Criminal Code" in the first sentence of Subsection A; and deleted the former last two sentences of Subsection H, which provided for set off of restitution payments against certain judgments, and limited the admissibility as evidence of the fact that restitution was required or made, respectively.

The 1989 amendment, effective June 16, 1989, in Subsection B substituted "Section 31-20-6 NMSA 1978" for "Section 40A-29-18 NMSA 1953" in the first sentence and substituted "make" for "made" near the beginning of the second sentence; in Subsection G substituted "Section 31-21-10 NMSA 1978" for "section 41-17-24 NMSA 1953" in the second sentence; and added Subsection I.

I. GENERAL CONSIDERATION.

Effect of bankruptcy. — Criminal restitution may generally be imposed despite a previous discharge of the underlying debts in bankruptcy. *State v. Collins*, 2007-NMCA-106, 142 N.M. 419, 166 P.3d 480.

Purpose of section. — This section is declarative of the public policy to: (1) Make whole the victim of the crime to the extent possible; and (2) to remind the defendant of his wrongdoing and to require him to repay the costs society has incurred as a result of his misconduct. *State v. Taylor*, 1986-NMCA-011, 104 N.M. 88, 717 P.2d 64, cert. denied, 103 N.M. 798, 715 P.2d 71.

Public policy to make crime victim whole. — This section is declarative of public policy to make whole the victim of the crime to the extent possible. *State v. Lack*, 1982-NMCA-111, 98 N.M. 500, 650 P.2d 22, cert. denied, 98 N.M. 478, 649 P.2d 1391.

Restitution was not an appropriate punishment in criminal contempt proceeding. — Where attorney was held in criminal contempt of court for refusing to proceed with trial, asserting that proceeding to trial when a defense witness was unavailable would result in ineffective assistance of counsel, the district court abused its discretion in ordering attorney to pay criminal restitution, because criminal restitution is not an appropriate punishment in the context of criminal contempt, and the district court failed to show that any entity suffered an actual loss as a result of attorney's contempt. *In re Maestas*, 2022-NMCA-057.

Actual damages may include compensation for pecuniary losses related to mental anguish. — Where defendant, in two separate cases, pleaded no contest in each case to false imprisonment with intent to commit a sex offense against the victim, and where the district court ordered defendant to pay restitution as compensation for, in one case, costs associated with difficulty the victim experienced completing part of her high school education and, in the other case, costs for mental-health care the victim had received, and where defendant challenged the orders of restitution, claiming they were contrary to the victim restitution statute in that they compel him to pay restitution relating to or resulting from mental anguish, and that the relationship between his conduct and the harms for which compensation was ordered was too attenuated to establish causation, the district court's orders of restitution were not an abuse of discretion, because while the damages at issue may relate to or have resulted from the victims' mental anguish, they are meant to compensate for pecuniary losses, not mental anguish. Moreover, substantial evidence supported the district court's determination that defendant's criminal conduct caused the damages in each case. *State v. Quintero*, 2022-NMCA-037, cert. denied.

Consecutive sentencing does not violate the public policy of making the victim whole, even though it may prevent the defendant from earning the money necessary to compensate his or her victims, where such sentencing is imposed as part of a comprehensive rehabilitative plan necessary

to instill in the defendant the wrongness of his or her actions. *State v. Jensen*, 1998-NMCA-034, 124 N.M. 726, 955 P.2d 195.

Fund	Account		2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	FY 2028 Agency Request				Total	Justification
						GF	OSF	ISF/IAT	FF		
00000	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	112.31	0.0	0.0	0.0	0.0	0.0	
00000	521100	Group Insurance Premium	0.0	0.0	6.14	0.0	0.0	0.0	0.0	0.0	
00000	521200	Retirement Contributions	0.0	0.0	21.53	0.0	0.0	0.0	0.0	0.0	
00000	521300	F I C A	0.0	0.0	6.94	0.0	0.0	0.0	0.0	0.0	
00000	521700	RHC Act Contributions	0.0	0.0	2.8	0.0	0.0	0.0	0.0	0.0	
16900	520100	Exempt Perm Positions P/T&F/T	917.9	2,569.2	2,588.11	2,700.4	0.0	0.0	0.0	2,700.4	
16900	520800	Annl & Comp Paid At Separation	8.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
16900	521100	Group Insurance Premium	54.1	118.8	173.31	179.4	0.0	0.0	0.0	179.4	
16900	521200	Retirement Contributions	153.6	248.5	498.48	520.0	0.0	0.0	0.0	520.0	
16900	521300	F I C A	70.0	97.2	159.85	166.8	0.0	0.0	0.0	166.8	
16900	521400	Workers' Comp Assessment Fee	1.5	0.2	0	0.3	0.0	0.0	0.0	0.3	
16900	521500	Unemployment Comp Premium	18.2	0.0	0	0.0	0.0	0.0	0.0	0.0	
16900	521600	Employee Liability Ins Premium	12.5	0.0	0	0.0	0.0	0.0	0.0	0.0	
16900	521700	RHC Act Contributions	16.0	25.8	53.94	56.7	0.0	0.0	0.0	56.7	
	200	Personal services and employee benef	1,251.9	3,059.7	3,623.39	3,623.6	0.0	0.0	0.0	3,623.6	
16900	542100	Employee I/S Mileage & Fares	0.6	0.1	0	0.1	0.0	0.0	0.0	0.1	
16900	542200	Employee I/S Meals & Lodging	1.6	10.0	0	10.0	0.0	0.0	0.0	10.0	
16900	542500	Transp - Fuel & Oil	0.8	3.0	0	3.0	0.0	0.0	0.0	3.0	
16900	542600	Transp - Parts & Supplies	0.0	2.5	0	2.5	0.0	0.0	0.0	2.5	
16900	543500	Maint - Supplies	0.4	0.0	0	0.5	0.0	0.0	0.0	0.5	access to purchase maintenance supplies for our facility.
16900	543820	Maintenance IT	0.0	5.0	0	0.0	0.0	0.0	0.0	0.0	
16900	543830	IT HW/SW Agreements	7.7	38.2	0	10.0	0.0	0.0	0.0	10.0	
16900	544000	Supply Inventory IT	20.4	28.7	0	20.0	0.0	0.0	0.0	20.0	
16900	544100	Supplies-Office Supplies	2.5	14.0	0	14.0	0.0	0.0	0.0	14.0	
16900	544400	Supplies-Field Supplies	1.0	1.0	0	1.0	0.0	0.0	0.0	1.0	
16900	544900	Supplies-Inventory Exempt	10.5	50.0	0	10.0	0.0	0.0	0.0	10.0	
16900	545600	Reporting & Recording	0.3	13.5	0	2.5	0.0	0.0	0.0	2.5	
16900	545700	ISD Services	0.1	0.0	0	1.4	0.0	0.0	0.0	1.4	Utilizing a manage application, Adobe Acrobat
16900	545710	DOIT HCM Assessment Fees	0.4	12.5	0	12.4	0.0	0.0	0.0	12.4	
16900	545900	Printing & Photo Services	1.2	2.0	0	2.5	0.0	0.0	0.0	2.5	
16900	546100	Postage & Mail Services	2.3	6.5	0	5.0	0.0	0.0	0.0	5.0	
16900	546400	Rent Of Land & Buildings	0.4	1.0	0	1.0	0.0	0.0	0.0	1.0	

BU PCode
26500 P265**F4 PCode Detail**
(Dollars in Thousands)

Fund	Account		2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	FY 2028 Agency Request				Total	Justification
						GF	OSF	ISF/IAT	FF		
16900	546500	Rent Of Equipment	3.3	8.0	0	8.0	0.0	0.0	0.0	8.0	
16900	546600	Communications	14.1	22.7	0	22.7	0.0	0.0	0.0	22.7	
16900	546610	DOIT Telecommunications	0.2	0.5	0	0.5	0.0	0.0	0.0	0.5	
16900	546700	Subscriptions/Dues/License Fee	6.1	26.0	0	20.0	0.0	0.0	0.0	20.0	
16900	546800	Employee Training & Education	0.1	1.0	0	1.0	0.0	0.0	0.0	1.0	
16900	546900	Advertising	2.4	8.5	0	1.0	0.0	0.0	0.0	1.0	
16900	547000	Legal Settlements	7.5	0.0	0	0.0	0.0	0.0	0.0	0.0	
16900	547900	Miscellaneous Expense	0.6	0.8	0	0.8	0.0	0.0	0.0	0.8	
16900	548800	Automotive & Aircraft	43.3	0.0	0	0.0	0.0	0.0	0.0	0.0	
16900	549600	Employee O/S Mileage & Fares	0.0	1.5	0	0.0	0.0	0.0	0.0	0.0	
16900	549700	Employee O/S Meals & Lodging	0.0	1.0	0	5.0	0.0	0.0	0.0	5.0	
	400	Other	127.8	258.0	0	154.9	0.0	0.0	0.0	154.9	
TOTAL EXPENSE			1,379.7	3,317.7		3,778.5	0.0	0.0	0.0	3,778.5	

BU PCode
26500 P265

State of New Mexico
Contract by PCode Detail
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	FY 2028 Agency Request					Total	Justification
					GF	OSF	ISF/IAT	FF			
16900	535300	Other Services	1000	Psychiatric evaluation or expert testimony in court hearings	0.9	2.0	0.0	0.0	0.0	2.0	
16900	535400	Audit Services	1000	To complete audit services for the 11th Judicial DA, Division II	0.0	17.4	0.0	0.0	0.0	17.4	Increase in Audit services
16900	535500	Attorney Services	1000	To prosecute criminal misdemeanor cases, felony cases, and conflict cases.	182.1	359.0	0.0	0.0	0.0	359.0	
TOTAL EXPENSE					183.0	378.4	0.0	0.0	0.0	378.4	

DFA Performance Based Budgeting Data System

Annual Performance Report

Agency: 26500 Eleventh Judicial District Attorney, Division II

Program: P265 Eleventh Judicial District Attorney, Division II

The purpose of the eleventh judicial district attorney, division II, program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Performance Measures:		2025-26 Target	2025-26 Result	Met Target	Year End Result Narrative
Explanatory	Average time from filing of charges to final disposition for adults, in months	N/A	5	N/A	Target not met
Explanatory	Average time from filing of petition to final disposition for juveniles, in months	N/A	4	N/A	Target met
Explanatory	Number of pretrial detention motions made	N/A	6	N/A	Target not met
Explanatory	Percent of pretrial detention motions granted	N/A	46%	N/A	Target not met
Outcome	Number of cases prosecuted	1,240	1,656	Yes	Target met
Output	Average attorney caseload	1,200	966	Yes	Target met
Output	Average number of cases added to attorney caseloads	600	966	No	Target met
Output	Number of cases in which defendant was referred into a pre-prosecution diversion program	0	0	Yes	Effective August 2026 we are starting the PPD program.
Output	Number of cases referred for screening	1,538	1,906	Yes	Target met

Table 2

Eleventh Judicial District Attorney, Division II

26500

Performance Measures Summary

P265 Eleventh Judicial District Attorney, Division II

Purpose: The purpose of the eleventh judicial district attorney, division II, program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Performance Measures:		2024-25 Actual	2025-26 Actual	2026-27 Budget	2027-28 Request	2027-28 Recomm
Output	Number of cases referred for screening	1,807	1,906	1,620	1,700	
Output	Number of cases in which defendant was referred into a pre-prosecution diversion program	0	0	2	5	
Output	Average number of cases added to attorney caseloads	1,807	966	400	500	
Output	Average attorney caseload	2,498	966	500	500	
Outcome	Number of cases prosecuted	1,631	1,656	1,550	1,650	
Explanatory	Average time from filing of petition to final disposition for juveniles, in months	3	4	N/A	N/A	
Explanatory	Number of pretrial detention motions made	27	6	N/A	N/A	
Explanatory	Average time from filing of charges to final disposition for adults, in months	6	5	N/A	N/A	
Explanatory	Percent of pretrial detention motions granted	9%	46%	N/A	N/A	

Introduction to the Office of the District Attorney Eleventh Judicial District, Division II McKinley County, New Mexico

The Eleventh Judicial District Attorney, Division II of McKinley County is both diverse and unique. The county serves a multicultural population that is predominantly Native American. McKinley County is characterized by a "checkerboard" pattern of private, state, federal, and tribal lands, creating a complex jurisdictional environment.

As a result, the District Attorney's Office works closely with a broad range of law enforcement partners, including the Zuni Police Department, Navajo Nation Police Department, Federal Bureau of Investigation (FBI), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), New Mexico Department of Finance and Administration (DFA), New Mexico State Police, McKinley County Sheriff's Office, Ramah Navajo Police Department, and the Gallup Police Department.

The region is predominantly rural, with the City of Gallup serving as the county's primary urban center and home to approximately 24,000 residents. Gallup is surrounded largely by tribal communities and is situated adjacent to extensive areas of Indian Country.

As a regional hub for commerce, healthcare, government services, entertainment, and cultural activities, Gallup experiences a significant increase in population during weekends, holidays, and ceremonial events. The city's population can exceed 100,000 during these periods, as residents of the Navajo Nation, neighboring pueblos, and rural communities travel to Gallup for business, trade, and recreational activities.

In addition, the region attracts travelers and visitors from across the country through major transportation corridors, including interstate highways, railway services, and bus routes. Consequently, crime statistics in McKinley County reflect not only the resident population but also the substantial number of visitors entering the area. Historically, the county has experienced elevated rates of offenses such as driving while intoxicated (DWI), domestic violence, and other serious violent crimes, in part due to the significant influx of visitors and the unique jurisdictional challenges of the region.

Our Mission Statement

Our mission, as Ministers of Justice in the enforcement of the laws of the State of New Mexico, is to ensure that victims of crime are meaningfully involved in the judicial process; to diligently safeguard the full range of rights afforded to all citizens while protecting against their abuse; to protect and serve all members of our diverse community; and to charge, prosecute, and seek appropriate punishment for those who prey upon others, thereby bringing them to justice. We

accomplish this mission through strong partnerships with law enforcement agencies and the communities we serve.

II. Values

In fulfilling our mission each day, this agency is guided by the values of professionalism, efficiency, accessibility, accountability, and innovation in the responsible use of public resources.

We are committed to ensuring that both an attorney and a victim advocate are available to members of the public to listen to their concerns, provide guidance, and assist them in finding appropriate resolutions through the judicial system and available social service resources. In this way, we strive to serve as an accessible and responsive source of assistance for the citizens of McKinley County.

Additionally, we are dedicated to maintaining a visible and active presence within our community. We work collaboratively with public agencies, community organizations, and stakeholders whose efforts promote stability, public safety, and an enhanced quality of life for all residents of McKinley County.

III. Goals

Prioritize Resources to Address Serious Criminal Offenses

This Office remains committed to the careful review and evaluation of the high volume of cases referred to by law enforcement agencies and members of the public for potential criminal prosecution. In limited circumstances, the Office may also pursue appropriate civil actions.

Due to attorney vacancies and limited prosecutorial resources, the Office must focus its efforts primarily on offenses that are felony-level, violent, or otherwise pose significant threats to public safety. As a result, the prosecution of certain nonviolent offenses, including some white-collar and lower-priority crimes, may be limited when resources are insufficient to pursue them effectively.

When criminal prosecution is not feasible or appropriate, victims and affected parties are encouraged to seek available remedies through the civil court system, and the Office will assist in directing individuals to appropriate legal and community resources whenever possible.

IV. Measures

Measure: Maintain the timely review and prosecution of felony, violent, and high-priority criminal cases despite attorney and staff shortages.

Performance Indicator: Percentage of felony, violent, and high-priority cases reviewed and prosecuted within established office and court timelines.

Target: 90% of felony, violent, and high-priority cases reviewed and processed within established timelines, despite ongoing staffing challenges.

Measure: Percentage of prosecutorial resources devoted to felony, violent, and high-priority offenses while managing attorney and support staff shortages.

Target: Maintain at least 85% of prosecutorial resources dedicated to felony, violent, and other high-priority public safety offenses.

Overall, we strive to meet the minimum PBB core measurement targets and projections.

FY28 Appropriation Request Checklist

Agency Name: Eleventh Judicial District Attorney, Division

Business Unit: 26500

Reports to Include in PDF Submission

Form #	Title	
☒ Cvr Ltr	Cover Letter	<i>Agency Level</i>
☒ S-1	Certification	<i>Agency Level</i>
☒ S-2	Organizational Chart	<i>Agency/Program Level</i>
☒ S-8	Financial Summary (BFM)	<i>Agency/Program Level</i>
☒ GF	General Fund Budget Change Log	<i>Agency/Program Level</i>
☒ S-9	Account Code Revenue / Expenditure Report	<i>Agency/Program Level</i>
☒ S-10	Fund Balance Projection	<i>Fund Level</i>
☒ S-13	Detail of Rate Line Items (see instructions)	<i>Agency Level</i>
☒ P-1	Program Narrative	<i>Program Level</i>
☒ R-2	Transfer Report	<i>Agency Level</i>
☒ REV/EXP	Revenue-Expenditure Comparison Report	<i>Agency/Program Level</i>
☒ FFRW	Detail of Federal Funds Revenue Worksheet	<i>Agency/Program Level</i>
☒ EB-1	Expansion Justifications	<i>Program Level</i>
☒ EB-2	Expansion Fiscal Summary	<i>Program Level</i>
☒ EB-3	Expansion Line Item Detail	<i>Program Level</i>
☒ LFR	Legislating for Results Expansion Tool	<i>Program Level</i>
☒ E4	Pcode Detail	<i>Program Level</i>
☒ E5	Contract by Pcode	<i>Program Level</i>
☒ SAR	Special Appropriation Request Report	<i>Agency Level</i>
☒ APR	Annual Performance Report	<i>Program Level</i>
☒ Table 2	Table 2 Performance Measure Summary	<i>Program Level</i>
☒ SP	Strategic Plan	<i>Agency Level</i>
☒ ITP	Information Technology Plan	<i>Agency Level</i>
☒ C-1	Base Operating Budget	<i>Agency Level</i>
☒ C-2	IT Request Plan	<i>Agency Level</i>
☒ Perf Audit	Update to LFC Performance Audits (within last 2 years)	<i>Agency Level</i>

Documents to Attach in BFM (PDF Optional)

Where to Attach

☐	Board Cert	Board or Commission Budget Certification	<i>Form 9900</i>
☐	E-6B	Leased Passenger-Related Vehicles	<i>Form 3300/4300</i>