

**MINUTES
of the
FIRST MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 7, 2019
State Capitol, Room 322
Santa Fe**

The first meeting of the Courts, Corrections and Justice Committee (CCJ) was called to order by Representative Gail Chasey, co-chair, at 9:45 a.m. on June 7 in Room 322 of the State Capitol in Santa Fe.

Present

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Deborah A. Armstrong
Sen. Gregory A. Baca
Rep. Karen C. Bash
Rep. Dayan Hochman-Vigil
Sen. Linda M. Lopez
Rep. Antonio Maestas
Rep. William "Bill" R. Rehm
Sen. Sander Rue
Sen. Antoinette Sedillo Lopez

Absent

Sen. Jacob R. Candelaria
Rep. Zachary J. Cook

Advisory Members

Sen. Bill B. O'Neill
Sen. Mimi Stewart
Sen. Peter Wirth

Sen. William F. Burt
Rep. Brian Egolf
Rep. Doreen Y. Gallegos
Sen. Daniel A. Ivey-Soto
Rep. Georgene Louis
Sen. William H. Payne
Rep. William B. Pratt
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Rep. Christine Trujillo

Guest Legislator

Sen. Nancy Rodriguez

Staff

Mark Peralta-Silva, Staff Attorney, Legislative Council Service (LCS)
Elisabeth Johnson, Staff Attorney, LCS
Erin Bond, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Friday, June 7**Call to Order and Introductions**

Representative Chasey welcomed the committee and the audience and introduced LCS staff members.

Overview of the Criminal Justice Reform Subcommittee (CJRS)

Senator Rue and Representative Maestas, co-chairs of the CJRS, presented an overview of the subcommittee. During the discussion, the co-chairs emphasized that criminal justice reform has bipartisan support and indicated that there is still much work to be done regarding criminal justice reform in the state.

The co-chairs noted that the CJRS is interested in considering how New Mexico can utilize technology through targeted use of data analytics and other technological resources. The co-chairs also recognized the importance of investing money wisely in criminal justice.

The co-chairs noted that New Mexico has the opportunity to look at what other states are doing in regard to criminal justice reform. However, some state entities may not be ready to implement cutting-edge policies, they noted. The CJRS is prepared to work with the Corrections Department (CD) and is hoping for the appointment of a permanent secretary of corrections.

Review of 2019 Legislation Endorsed by the CCJ During the 2018 Interim

Mr. Peralta-Silva gave a review of 2019 legislation that was endorsed by the CCJ during the 2018 interim. A handout regarding endorsed legislation is in the meeting file.

Review of 2019 Work Plan and Meeting Schedule

Mr. Peralta-Silva presented the CCJ proposed work plan and meeting schedule. A committee member requested that the Legislative Finance Committee (LFC) report on the efficiency and effectiveness of the state's judicial system. It was also requested that invitations be extended to LFC analysts to attend future meetings of the CCJ and the CJRS.

The following issues were discussed regarding the work plan and meeting schedule.

Medical Marijuana in Schools

A committee member raised an issue regarding 2019 Senate Bill 204, which allows for school personnel to administer medical marijuana to certain students. Some schools have expressed the fear that in doing so, school personnel might lose their licenses. Another member suggested that this issue be referred to the Legislative Education Study Committee (LESC) and be discussed at the joint meeting of the Legislative Health and Human Services Committee (LHHS) and the LESC.

Problems with the Towing Industry

A member expressed concern regarding problems within the towing industry. The member indicated that a bill from the 2019 legislative session covered some of the concerns with the towing industry but did not solve all of all the problems.

Recreational Marijuana Legalization

A member raised a question regarding whether the committee is planning to look at legalization of recreational marijuana. Another member noted that the Economic and Rural Development Committee plans to examine this issue. It was also noted that this topic might be on the call of the governor to be addressed during the 2020 legislative session and that the CCJ and the CJRS should consider this topic during the interim.

Expungement Issues

A member raised a point regarding the implementation of expungement of criminal records. One viewpoint is that, ideally, the CD should be able to email discharge paperwork to an individual when that person leaves a correctional facility. A member suggested hearing from the Administrative Office of the Courts, the CD and the Department of Public Safety regarding compliance with the Criminal Record Expungement Act.

Law Enforcement Training for Individuals with Disabilities

A member raised a point regarding training of law enforcement officers for interacting with individuals with developmental disabilities. Another member suggested that this topic be covered during the joint meeting of the LHHS and the CCJ.

Election Issues

A member expressed concern regarding correcting the logistical problems New Mexicans are experiencing during elections.

Pretrial Detention

A member raised concern regarding pretrial detention. The member expressed that issues are primarily arising in Bernalillo County and that it is important that the appropriate parties are present when the issues are discussed in future meetings.

Oversight of Children in United States Immigration and Customs Enforcement (ICE) Facilities

A member requested that the committee be provided information regarding state oversight of children in ICE facilities.

ICE in the Courthouse

A member requested examination of issues associated with ICE officials in state courthouses.

Job Training for Incarcerated Persons

A member made a comment regarding the Associated Contractors of New Mexico's interest in employing formerly incarcerated individuals and whether such individuals could be trained while they are still incarcerated. Members indicated that this issue will be addressed during the interim meeting at which the CD is scheduled to present.

Joint Meeting with the LHHS

A member indicated that the CCJ will address issues of health care in correctional facilities, issues regarding pregnant and lactating inmates and issues relating to the Children, Youth and Families Department during the joint meeting with the LHHS.

Committee members then discussed calendar dates. A member suggested that a meeting be scheduled in Grants and that the committee tour the Northwest New Mexico Correctional Center in Grants. Another member noted that a meeting in Grants could take place in August.

The committee voted to approve the work plan and meeting schedule as amended.

Public Comment

The committee heard public comment from the following.

The Disability Coalition

Ellen Pinnes, advocate, the Disability Coalition, commented on the importance of keeping behavioral health at the forefront of the work of the committee. She also expressed concern regarding criminalization of behavior that is related to behavioral health issues. The coalition also supports measures to make polling places accessible for persons with disabilities.

Disability Rights New Mexico

Jim Jackson, executive director, Disability Rights New Mexico, emphasized the importance of addressing behavioral health issues. Mr. Jackson also made a comment regarding changes to Medicaid eligibility, specifically suspension of eligibility instead of removal when an individual is incarcerated.

League of Women Voters of New Mexico

Hannah Burling, president, League of Women Voters of New Mexico, expressed support for redistricting efforts that promote efficiency and a desire to present to the committee in the

fall. Ms. Burling also indicated that the organization received a grant to provide education on redistricting.

Our Revolution New Mexico

Margarita Mercure Hibbs, founder, Our Revolution New Mexico, expressed concern for the special needs of children as well as concerns about oversight of refugees.

Administrative Office of the District Attorneys

Henry Valdez, director, Administrative Office of the District Attorneys, expressed concerns regarding the legalization of recreational marijuana. He stated that, pursuant to *Birchfield v. North Dakota*, there is an issue with the inability of law enforcement to secure a search warrant for a marijuana-related offense when the officer has probable cause to request a blood test.

Mr. Valdez also expressed concerns with safety threats to schools and indicated that the only related crime is destruction of educational resources, which is a misdemeanor.

New Mexico Women's Agenda

Susan Loubet, former executive director, New Mexico Women's Agenda, expressed support for the inclusion of increased penalties for human trafficking violations.

New Mexico Sentencing Commission

Douglas Carver, deputy director, New Mexico Sentencing Commission, expressed the importance of considering collateral consequences of conviction when evaluating criminal justice issues.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:55 a.m.