

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

**October 25-27, 2023
Student Union Ballroom
New Mexico Highlands University
800 National Avenue
Las Vegas**

The fifth meeting of the Courts, Corrections and Justice Committee was called to order by Senator Joseph Cervantes, chair, on October 25, 2023 at 8:53 a.m. in the Student Union Ballroom at New Mexico Highlands University in Las Vegas.

Present

Sen. Joseph Cervantes, Chair
Rep. Christine Chandler, Vice Chair (10/25)
Rep. Eliseo Lee Alcon
Rep. Janelle Anyanonu
Sen. Gregory A. Baca (10/27)
Rep. Gail Chasey (10/25)
Sen. Antonio Maestas (10/25)
Sen. Cliff R. Pirtle (10/27)
Rep. Andrea Reeb
Rep. William "Bill" R. Rehm
Sen. Antoinette Sedillo Lopez (10/25)

Absent

Rep. Alan T. Martinez
Sen. Bill B. O'Neill
Rep. Andrea Romero
Rep. Angelica Rubio

Advisory Members

Rep. John Block
Rep. Cynthia Borrego (10/26, 10/27)
Rep. Micaela Lara Cadena
Rep. Ambrose Castellano (10/25, 10/26)
Sen. Daniel A. Ivey-Soto (10/25, 10/26)
Sen. Linda M. Lopez (10/25, 10/26)
Rep. Stefani Lord (10/25, 10/26)
Rep. Tara L. Lujan (10/26)
Sen. Mimi Stewart (10/25, 10/26)
Sen. Peter Wirth (10/25)

Sen. Katy M. Duhigg
Rep. D. Wonda Johnson
Rep. Willie D. Madrid
Rep. Reena Szczepanski

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)

Sean Dolan, Staff Attorney, LCS

Domenica Nieto, Assistant Librarian, LCS

Yessica Marquina, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Wednesday, October 25**Welcoming Remarks — New Mexico Highlands University (NMHU) (8:54 a.m.)**

Sam Minner, Ph.D., president, NMHU, welcomed the committee to NMHU and discussed issues and successes of the university.

Crime in San Miguel and Torrance Counties (9:19 a.m.)

Chris Lopez, sheriff, San Miguel County; Tom Clayton, district attorney, Fourth Judicial District; Michael A. Aragon, judge, Fourth Judicial District; and Cindy Garza, magistrate judge, Fourth Judicial District, provided an overview of issues related to crime and drug abuse in San Miguel and Torrance counties, discussed resources available in the court system and answered questions from committee members.

Administrative Office of the Courts (AOC) — Legislative Priorities and Budget (10:05 a.m.)

The Honorable C. Shannon Bacon, chief justice, New Mexico Supreme Court, and Arthur W. Pepin, director, AOC, presented an overview of issues concerning the judiciary, including recruitment and retention, salaries, retirement and the judicial election process.

Approval of Minutes (1:27 p.m.)

On a motion duly made and seconded, the committee unanimously approved the minutes of the September 27-29, 2023 meeting.

Pretrial Assessment from the Bench, Detention and Release — Retooling the Tool (1:28 p.m.)

Chief Justice Bacon; Mr. Pepin; Jonathan Ibarra, assistant public defender, Public Defender Department (PDD); and Tom Clayton, district attorney, Fourth Judicial District, presented statistics and information regarding what is and is not working well with pretrial release, discussed possibilities for improvement and collaboration and answered committee members' questions regarding specifics of the presentation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/25/2023&ItemNumber=4>.

District Attorney and Public Defender Workloads — Buried? Budget Proposals (3:53 p.m.)

Mr. Clayton and Bennett J. Baur, chief public defender, PDD, summarized the difficulties their respective offices have had with hiring and retaining staff, discussed staff work loads and provided updates on upcoming budget requests.

Roundup! Warrant Sweeps (4:24 p.m.)

Cynthia Pacheco, statewide program manager, AOC; Mr. Clayton; Dale Wagoner, deputy chief, New Mexico State Police; Harold Medina, police chief, Albuquerque Police Department; and Sam Bregman, district attorney, Second Judicial District, provided an overview of what each district is doing to apprehend people with outstanding warrants and data regarding progress that has been made in that respect.

Recess

The meeting recessed at 5:25 p.m.

Thursday, October 26

Reconvene

Senator Cervantes reconvened the meeting at 9:22 a.m.

DWI — First Judicial District — Case Studies (9:30 a.m.)

Mary Carmack-Altwise, district attorney, First Judicial District, and Julie Gallardo, deputy district attorney, First Judicial District, presented an overview of the First Judicial District's unique approach to DWI cases and how that approach has increased conviction rates and lowered the rate of cases being dismissed.

Testing the Second Amendment — Firearms Rulings on Magazines and Assault Weapons — Waiting Periods — Age Restrictions (11:11 a.m.)

Senator Ivey-Soto provided an update on recent New Mexico and federal cases regarding firearms restrictions, including what has and has not been found to be constitutional. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20102523%20Item%209%202A%20Law%20Presentation%202.pdf>.

Executive Orders and Separation of Powers (1:40 p.m.)

Mr. Dolan and Jacob Candelaria, former state senator, District 26, presented a review of bills introduced during the 2023 legislative session regarding executive orders of the governor and a recent Supreme Court decision involving Mr. Candelaria. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/25/2023&ItemNumber=10>.

Secret Settlements — Who is Accountable? (3:00 p.m.)

Micaela Fischer, program evaluation manager, Legislative Finance Committee (LFC); Robert E. Doucette, Jr., secretary, General Services Department; Jacob Maule, general counsel, General Services Department; and F. Michael Hart, attorney, Martinez, Hart, Sanchez & Romero, P.C., discussed a recent LFC report regarding the major risk funds of the Risk Management Division of the General Services Department, legislative proposals, settlements not posted to the New Mexico Sunshine Portal and developments within the General Services Department. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20102523%20Item%2011%20FINAL%20RMD%20EVAL%209.26.23.pdf>.

Recess

The meeting recessed at 4:00 p.m.

Friday, October 27

Reconvene

Senator Cervantes reconvened the meeting at 9:17 a.m.

Marijuana Non-Enforcement — Right Under Our Nose (9:22 a.m.)

Linda Trujillo, superintendent, Regulation and Licensing Department; W. Troy Weisler, chief, New Mexico State Police; and James Grayson, chief deputy attorney general, Office of the Attorney General, presented on issues regarding cannabis enforcement, both failures and successes, and answered committee members' questions.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:44 a.m.