

# NM Criminal Defense Lawyers Association

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Legislative Priorities 2018

# Membership

NMCDLA currently has 602 members

Membership includes:

- LOPD attorneys
- Private attorneys
- Contract attorneys

Representation extends beyond clients to their families, employers, community, etc.



# Priority 1

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ADDRESS HIGH CASELOADS

# Address High Caseloads

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## HOW?

- Avoid initial introduction to the criminal justice system
- Increase rehabilitative efforts and options
- Address and limit collateral consequences

## WHY?

- Limits the growing strain on the judicial system
- Prevents crime and limits the likelihood of reoffending
- Better the use of limited resources

# Legislative Role

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- Examples of legislation that negatively impact priority:
  - Creation of crimes depending on victims occupation
  - DWI for certain drugs
  - Criminalization of curfew ordinances
- Examples of legislation that positively support priority:
  - Change DWI interlock and rehabilitative requirements
  - Decreasing marijuana possession penalties
  - Determination of collateral consequences of crimes

## Priority 2

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LIMIT THE USE OF INCARCERATION

# Limit the Use of Incarceration

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## HOW?

- Remove minor traffic infractions from criminal code
- Increase rehabilitative efforts
- Utilize probation for reform and education
- Support re-entry programs
- Move certain 4<sup>th</sup> degree felonies to misdemeanors

## WHY?

- Fiscal responsibility
- Reduce strain on judicial system and counties
- No support for idea that increased penalties decreases crime rates
- Ends cycles of criminal behavior
- Free-up limited resources

# Legislative Role

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- Examples of legislation that negatively impact priority:
  - Increases to possessing a firearm penalties
  - Increased use of habitual offenders statutes
  - Increasing penalties
- Examples of bills that positively support priority:
  - Reducing or limiting use of solitary confinement
  - Revision of certain criminal penalties
  - Use of time served credit
  - Medical or geriatric parole



# Priority 3

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ALTERNATIVE CRIME PREVENTION

# Alternative Crime Prevention

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## HOW?

- Pre-prosecution diversion
- Alternatives to conviction for substance abuse
- Expungement
- Support of re-entry initiatives

## WHY?

- Public safety
- High probability to remain in criminal system once entered
- Decrease costs to LOPD, DA, courts and counties
- Addresses problems at roots

# Legislative Role

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- There are no examples of past legislation that negatively impacts the identified priority of crime prevention, but bills aimed at increasing penalties, reinstating the death penalty, or creating new crimes do not guarantee a decrease in crime rates
- Examples of legislation that positively support priority:
  - Decriminalization of certain marijuana possession
  - Determination of fiscal impact of proposed legislation
  - Ban the Box

## ISSUE: Bail Reform

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### History:

1. NMSC publishes *State v. Brown*
2. Joint Resolution passes Legislature
3. Constitution amended in 2016
4. NMSC publishes rules [cite]

- NMCDLA recognizes system is in flux
- NMCDLA will continue to:
  - Participate in rulemaking and community discussions
  - Provide evidence-based information and client-specific examples
  - Meet with lawmakers and stakeholders to discuss issues with bail system
  - Support efforts to improve the bail system in New Mexico