



**New Mexico State Legislature
Corrections Oversight and Justice Committee**

**2004
INTERIM REPORT**

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Work Plan, Meeting Schedule & Budget

**2004 APPROVED
WORK PLAN, MEETING SCHEDULE AND BUDGET
for the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

Membership

The Corrections Oversight, Courts and Justice Committee was created by the New Mexico Legislative Council on May 5, 2004. The committee members are:

Rep. W. Ken Martinez, Co-chair
Sen. Michael S. Sanchez, Co-chair
Rep. Thomas A. Anderson
Rep. Joseph Cervantes

Rep. Ron Godbey
Sen. Carroll H. Leavell
Sen. Richard C. Martinez
Sen. William H. Payne

Advisory Members

Sen. Ben D. Altamirano
Rep. Gail C. Beam
Sen. Mary Jane M. Garcia
Sen. Gay G. Kernan
Sen. Cisco McSorley
Rep. Al Park
Rep. Jane E. Powdrell-Culbert

Sen. Lidio G. Rainaldi
Sen. Shannon Robinson
Sen. H. Diane Snyder
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart
Rep. Thomas E. Swisstack
Rep. Joe Thompson
Rep. Peter F. Wirth

Work Plan

During the 2004 interim, the Corrections Oversight, Courts and Justice Committee proposes to:

- (1) oversee implementation of the recommendations set forth in the January 14, 2000 document entitled "The Consultants' Report on Prison Operations in New Mexico Correctional Institutions";
- (2) assess the feasibility of expanding community corrections programming as a means to reduce the inmate population;
- (3) monitor other issues related to the operation of public and private correctional facilities;
- (4) monitor issues related to criminal justice;
- (5) examine issues related to uninsured motorists and other civil issues; and

(6) recommend legislation or changes, if necessary, to the legislature.

2004 Meeting Schedule and Budget

June 14	Santa Fe	\$2,271.50
July 29-30	Los Lunas/Albuquerque	3,317.25
August 26-27	Grants	3,538.50
September 21-22	Roswell	3,984.88
October 18-19	Santa Fe	3,439.50
December 1-2	Santa Fe	3,439.50
National Association of Sentencing Commissions conference August 15-17	Santa Fe	<u>*6,315.50</u>
TOTAL		**\$26,306.63
	TOTAL APPROVED	\$20,000.00

*Includes registration fee, per diem and mileage.

**This amount does not include the \$41,460.63 budget required for advisory members.

Agendas

Revised: June 9, 2004

**TENTATIVE AGENDA
for the
CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE**

**June 14, 2004
Room 317
State Capitol**

Monday, June 14

10:00 a.m.	CALL TO ORDER —Representative W. Ken Martinez and Senator Michael S. Sanchez, Co-chairs
10:15 a.m.	DEVELOPMENT OF COMMITTEE WORK PLAN, MEETING SCHEDULE AND BUDGET
12:00 noon	ADJOURN

Revised: July 26, 2004

**TENTATIVE AGENDA
for the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

July 29, 2004

**Bernalillo County Juvenile Detention Center
5100 Second St. NW
Albuquerque, NM**

July 30, 2004

**Youth Diagnostic and Development Center
4000 Edith Blvd. NE
Albuquerque, NM**

Thursday, July 29

- 10:00 a.m. CALL TO ORDER
—Senator Michael S. Sanchez and Representative W. Ken Martinez,
 Co-Chairs
- 10:05 a.m. WELCOMING REMARKS
—Thaddeus Lucero, Bernalillo County Manager
- 10:10 a.m. REPORT FROM JUVENILE JUSTICE SERVICES OF THE
CHILDREN, YOUTH AND FAMILIES DEPARTMENT ON JUVENILE
SERVICES, INCLUDING:
1) MOVE TO "FRONT-END" SERVICES
2) FACILITIES AND PROGRAMS
3) PROBATION AND PAROLE
—Art Murphy, Director
—Becky Balentine, Deputy Director for Field Services
—Bruce Langston, Deputy Director for Facility Services
- 11:30 a.m. BEST PRACTICES OF OTHER STATES; CHALLENGES FOR
NEW MEXICO
—Renada Peery, Analyst, Legislative Finance Committee
- 12:00 noon LUNCH
- 1:30 p.m. DETENTION AND SYSTEM REFORM: A PARTNERSHIP IN
COLLABORATION
—The Honorable Tommy Jewell, Children's Court Chief Judge,
 Second Judicial District
—Thomas E. Swisstack, Director, Bernalillo County Juvenile
 Detention Center
—Todd Heicy, Chief Deputy District Attorney, Second Judicial District

3:00 p.m. REPORT FROM CARLSBAD LEGISLATION ACTION GROUP ON
INCREASING ABILITIES OF LOCAL COMMUNITIES TO RESPOND
TO JUVENILE ISSUES
—Gene Taylor, Chairman
—Joe Epstein, Carlsbad Community Coalition

4:00 p.m. ADULT PROBATION AND PAROLE: STATE PRISONERS IN
COUNTY FACILITIES
—John Daitis, Deputy County Manager

4:15 p.m. TOUR OF THE BERNALILLO COUNTY JUVENILE DETENTION
CENTER

5:00 p.m. RECESS

Friday, July 30

9:00 a.m. TOUR OF THE YOUTH DIAGNOSTIC AND DEVELOPMENT
CENTER (YDDC) AND BOYS' REINTEGRATION CENTER
—Dr. Mary-Dale Bolson, Secretary, Children Youth and Families
Department
—Ron Lytle, Superintendent, YDDC

10:00 a.m. MENTAL HEALTH ISSUES IN THE CRIMINAL
JUSTICE SYSTEM: MENTAL HEALTH COURT AND
DIVERSION PROGRAMS
—The Honorable Neil C. Candelaria, District Court Judge
—The Honorable Cristina S. Jaramillo, Metropolitan Court Judge
—Judith Reed, Mental Health Coordinator, Public Defender's Office
—Susan Page, Deputy District Attorney

STUDY OF COMPETENCY LAWS (SJM 49)
—Berri Roberts, Metropolitan Criminal Justice Coordinating Council

11:30 a.m. PUBLIC COMMENT

12:00 noon ADJOURN

Revised: August 23, 2004

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**August 25, 2004
New Mexico Women's Correctional Facility
1700 East Old Highway 66
Grants**

**August 26, 2004
Auditorium, Walter K. Martinez Memorial Hall
New Mexico State University-Grants
1500 N. 3rd Street
Grants**

Wednesday, August 25

- 10:00 a.m. **CALL TO ORDER**
—Representative W. Ken Martinez and Senator Michael S. Sanchez,
Co-Chairs
- 10:05 a.m. **APPROVAL OF MINUTES**
- 10:10 a.m. **CORRECTIONS CORPORATION OF AMERICA (CCA) PRISON
OPERATIONS IN NEW MEXICO — OPERATIONS AND
PROGRAMMING AT THE NEW MEXICO WOMEN'S
CORRECTIONAL FACILITY**
—Laurie Shanblum, Regional Director, CCA
—Ed Mahr, Lobbyist for CCA
—Bill Snodgrass, Warden, New Mexico Women's Correctional Facility
- 11:30 a.m. **REPORT FROM NEW MEXICO WOMEN'S JUSTICE PROJECT**
—Angie Vachio, Board Member
—Maureen Sanders, Board Secretary
—Janet Winchester-Silbaugh, Board Chair
- 12:30 p.m. **LUNCH**
- 1:30 p.m. **TOUR OF THE NEW MEXICO WOMEN'S CORRECTIONAL
FACILITY**

- 2:30 p.m. REPORT ON JUVENILE PAROLE BOARD ISSUES
—Rick Sandoval, Executive Director, Juvenile Parole Board
—Bob Cleavall, Chair, Juvenile Committee, New Mexico Sentencing Commission
- 3:00 p.m. RETIREMENT FOR CERTAIN EMPLOYEES IN THE CORRECTIONS SYSTEM
—Ralph Robles, President, AFSCME Local 3422
- 3:30 p.m. WAGE ADJUSTMENT INCREASE FOR CORRECTIONS OFFICERS
—Ralph Robles, President, AFSCME Local 3422
—Phil Molina, Union Member
—Dominic Vigil, President, Northeastern Sublocal 3422
- 3:45 p.m. UPDATE ON THE DNA IDENTIFICATION SYSTEM
—John Krebsbach, Chair, DNA Oversight Committee
- 4:15 p.m. PUBLIC COMMENT
- 4:45 p.m. RECESS

Thursday, August 26

- 9:00 a.m. ALCOHOL REFORM INITIATIVES IN THE CITY OF GALLUP (HJM 80)
—Robert Rosebrough, Mayor
- 9:30 a.m. COORDINATING DWI AND DRUG ABUSE PREVENTION, TREATMENT AND ENFORCEMENT EFFORTS; MEASURING PROGRESS
—Rachel O'Connor, DWI Czar
—Herman Silva, Drug Czar
—Leslie Tremaine, Behavioral Health Czar
- FINDINGS AND RECOMMENDATIONS OF THE DOMESTIC VIOLENCE ADVISORY BOARD
—Sandra Gardner, Domestic Violence Czar
- 11:30 a.m. PUBLIC COMMENT
- 12:00 noon ADJOURN

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**September 21-22, 2004
Roswell Correctional Center
578 West Chickasaw Road
Hagerman, NM**

Tuesday, September 21

- 10:00 a.m. **CALL TO ORDER**
—Senator Michael S. Sanchez and Representative W. Ken Martinez,
Co-Chairs
- 10:05 a.m. **APPROVAL OF MINUTES**
- 10:10 a.m. **REPORT FROM THE NEW MEXICO CORRECTIONS DEPARTMENT**
—Joe R. Williams, Secretary
—Jolene M. Gonzales, Deputy Secretary, Administration
—Erma Sedillo, Deputy Secretary, Operations
- 11:50 a.m. **BARRIERS TO SUCCESSFUL REINTEGRATION OF PAROLEES
(HJM 53)**
—Joe R. Williams, Secretary
—Angie Vachio, New Mexico Women's Justice Project, Inc.
—Charlene Knipfing, Director, Probation and Parole
—Sherry Helwig, Community Corrections
- 12:30 p.m. **LUNCH**
- 1:30 p.m. **FOLLOW-UP QUESTIONS TO NEW MEXICO WOMEN'S JUSTICE
PROJECT, INC., FROM AUGUST MEETING**
—Angie Vachio, Board Member
—Maureen Sanders, Board Secretary
—Janet Winchester-Silbaugh, Board Chair
—Irma Lucero, Deputy Director, Female Offender Services
- 2:15 p.m. **REPORT FROM GEO GROUP, INC., ON SAVINGS TO THE STATE,
VISITATION POLICIES AND INMATE TELEPHONE RATES**
—Les Houston, Lobbyist
—Mo Bravo, Warden, Guadalupe County Correctional Facility
- 3:00 p.m. **UPDATE ON THE DRIVE INSURED PROGRAM (HJM 72)**

—Larry Kehoe, Director, Motor Vehicle Division
—Kenneth Ortiz, Program Manager

3:30 p.m. PROPOSALS FOR REDUCING THE NUMBER OF UNINSURED
MOTORISTS, INCLUDING A PROPOSAL FOR A TASK FORCE
—Andres Valdez, New Mexico Vecinos United
—Francisco Medina, New Mexico Vecinos United
—Steve Pilon, New Mexico Vecinos United
—Patrick Butler, Coordinator, NOW National Insurance Project

4:30 p.m PUBLIC COMMENT

5:00 p.m. RECESS

Wednesday, September 22

9:00 a.m. ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS
—Michael Stout, New Mexico Criminal Defense Lawyers Association

9:30 a.m. PRESENTATION ON SINGLE UNIT BRACELET TRACKING
DEVICE
—Joseph Johnson, CEO, National Corrections Rehabilitation Corporation,
Satellite Tracking Offender Program
—Arthur Graves, Vice-President for Operations
—Jim Arieno, Vice-President for Administration

10:30 a.m. PUBLIC COMMENT

11:00 a.m. TOUR OF THE ROSWELL CORRECTIONAL CENTER

12:00 noon ADJOURN

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**October 12 and 13, 2004
Room 311
State Capitol**

Tuesday, October 12

- 1:30 p.m. CALL TO ORDER
—Senator Michael S. Sanchez and Representative W. Ken Martinez,
 Co-Chairs
- 1:35 p.m. APPROVAL OF MINUTES
- 1:40 p.m. REPORT FROM THE NEW MEXICO SENTENCING COMMISSION
—Judge Michael Vigil, Chair, Sex Offender Management Board
—John Bigelow, Chair, Sentencing Reform Committee
—Bob Cleavall, Chair, Juvenile Committee
—Michael Cox, Chair, Data Committee
—Martin Suazo, Chair, Legislative Committee
- 3:30 p.m. EARLY PLEA PILOT PROGRAM IN BERNALILLO COUNTY
—Richard Bowman, Deputy District Attorney
—Ralph Odenwald, District Public Defender
- 4:00 p.m. OFFICE OF THE MEDICAL INVESTIGATOR: BACKLOG AND
 TURNAROUND TIME
—Ross Zumwalt, M.D., Chief Medical Investigator
- 4:30 p.m. DEPARTMENT OF PUBLIC SAFETY FORENSIC LABORATORIES:
 BACKLOG AND TURNAROUND TIME
—Susan Scholl, Bureau Chief and Laboratory Director
- 5:00 p.m. PUBLIC COMMENT
- 5:15 p.m. RECESS

Wednesday, October 13

- 9:00 a.m. REPORT FROM THE JUDICIARY: UNIFIED BUDGET AND
LEGISLATIVE INITIATIVES
—The Honorable Petra Jimenez Maes, Chief Justice of the New Mexico
Supreme Court
—The Honorable Richard C. Bosson, Justice of the New Mexico Supreme
Court
—The Honorable James J. Wechsler, Chief Judge of the New Mexico
Court of Appeals
- 11:30 a.m. REQUEST FOR APPROPRIATION TO THE JUVENILE JUSTICE
CONTINUUM OF SERVICES, SIXTH JUDICIAL DISTRICT
—Scott Vinson, Luna County Manager
- 12:00 noon LUNCH
- 1:30 p.m. CHILDREN'S CABINET ON SAFEGUARDING CHILDREN FOUND
IN METHAMPHETAMINE PRODUCTION ENVIRONMENT (HJM 77)
—Dorian Dodson, Director, Protective Services Division, Children, Youth
and Families Department
—Robert Sapien, M.D., Chief of Emergency Medicine and Pediatrics,
UNM School of Medicine
- 2:30 p.m. PROPOSED AMENDMENT TO DOMESTIC VIOLENCE OFFENDER
TREATMENT FEE
—Agnes Maldonado, Executive Director, New Mexico Coalition Against
Domestic Violence
- 3:00 p.m. LEGISLATIVE PROPOSAL REGARDING INSURANCE FRAUD
PENALTIES
—Alan Rackstraw, First Assistant Prosecutor, Insurance Fraud Bureau
- 3:30 p.m. PUBLIC COMMENT
- 4:00 p.m. ADJOURN

**TENTATIVE AGENDA
for the
SIXTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**December 1-2, 2004
Room 307
State Capitol**

Wednesday, December 1

- 10:00 a.m. CALL TO ORDER
—Senator Michael S. Sanchez and Representative W. Ken Martinez,
 Co-Chairs
- 10:05 a.m. APPROVAL OF MINUTES
- 10:10 a.m. DUTY OF TITLE INSURANCE COMPANIES TO SEARCH AND
 EXAMINE LAND TITLES (Bill Draft #29)
- FOR THE CONSUMER:
 —Eric Sedillo Jeffries, Attorney, Jeffries, Rugge & Rosales, P.C.
 —Kurt Faust, Tierra Concepts, Inc.
 —Randolph B. Felker, Attorney, Felker, Ish, Richie & Greer
 —James P. Ross, Consultant, Actuarial and Insurance Management Issues
- FOR TITLE INSURANCE COMPANIES:
 —Edward J. Roibal, Executive Director, NM Land Title Association
 —Carolyn Monroe, President, Land America Albuquerque Title Company
 —Kevin Peterman, Attorney, Vogel, Campbell & Blueher, P.C.
 —Dan Terrell, Manager, Past President, NM Land Title Association
- 11:30 a.m. PROPOSAL FOR A "MOVE OVER" LAW WHEN APPROACHING
 EMERGENCY VEHICLES (Bill Draft #30)
 —Representative Jeannette O. Wallace
 —Justin Grider, Captain, Los Alamos Fire Department
 —Paul Jacobs, Sergeant, Bernalillo County Sheriff
- 12:00 noon REPORT FROM THE TASK FORCE ON IGNITION INTERLOCK
 TECHNOLOGY AND DEPLOYMENT
 —Representative W. Ken Martinez, Chairman
 —Rachel O'Connor, DWI Czar

- 12:30 p.m. GOVERNOR'S PROPOSALS FOR DWI LEGISLATION (Bill Draft #31-34)
—Rachel O'Connor, DWI Czar
- 1:15 p.m. LEGISLATIVE PROPOSALS FROM QWEST ON COMPETITION AND THE RURAL EXTENSION FUND (Bill Draft #35 and 36)
—Leo Baca, Director of External Affairs, Qwest Communications
- 2:00 p.m. REPORT ON THE WARRANT PROCESS STUDY (SJM 56) AND THE COMPETENCY LAWS STUDY (SJM 49)
—The Honorable Neil Candelaria, Judge, Second Judicial District Court
—Marc Saavedra, Administrator, Bernalillo County Metropolitan Court
- 2:30 p.m. LOAN REPAYMENT ASSISTANCE FOR ASSISTANT DISTRICT ATTORNEYS, ASSISTANT PUBLIC DEFENDERS AND NON-PROFIT LEGAL AID SERVICES (Bill Draft #37)
—Jon Bigelow, Chief Public Defender
—Donald Gallegos, President-elect, NM District Attorneys Association
—Gail Evans, Senior Attorney, NM Center on Law and Poverty
—John Feldman, Director of Career & Student Services, UNM School of Law
- 3:00 p.m. FUNDING FOR CONTRACT REPRESENTATION IN DEATH PENALTY CASES (Bill Draft #38)
—Mark H. Donatelli, NM Criminal Defense Lawyers Association
- 3:30 p.m. MERITORIOUS DEDUCTIONS EARNED BY PRISONERS; STATUS ON PROBATION AND PAROLE VIOLATORS STUDY
—Paul Guerin, Ph.D., Research Scientist, New Mexico Sentencing Commission (NMSC)
—Linda Freeman, Research Scientist, NMSC
- 4:00 p.m. OPIATE REPLACEMENT THERAPY FOR INMATES
—Dr. Barbara McGuire, President, Greater Albuquerque Medical Association
- 4:30 p.m. PUBLIC COMMENT
- 4:45 p.m. RECESS

Thursday, December 2

- 9:00 a.m. PRE-RELEASE BENEFITS ASSISTANCE FOR INCARCERATED PERSONS WITH MENTAL OR DEVELOPMENTAL DISABILITIES (Bill Draft #39)
—Nancy Koenigsberg, Managing Attorney, Protection and Advocacy System

9:45 a.m. FOLLOW-UP REVISIONS TO SEX OFFENDER REGISTRATION
AND NOTIFICATION ACT PROPOSAL (Bill Draft #12)
—Randall Cherry, Staff, Sex Offender Management Board, NMSC

10:00 a.m. JUVENILE JUSTICE UPDATE AND PROPOSALS FOR REVISIONS
TO THE CHILDREN'S CODE
—Mary-Dale Bolson, Ph.D., Secretary of Children, Youth and Families

12:00 noon LUNCH

1:30 p.m. CONSIDERATION OF LEGISLATIVE PROPOSALS GENERATED
DURING THE INTERIM
—Committee Members

4:00 p.m. PUBLIC COMMENT

4:15 p.m. ADJOURN

Minutes

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

**June 14, 2004
Room 317, State Capitol**

The first meeting of the corrections oversight, courts and justice committee was called to order by Representative W. Ken Martinez, co-chair, and Senator Michael S. Sanchez, co-chair, on June 14, 2004 at 10:30 a.m. in room 317 of the state capitol.

PRESENT

Rep. W. Ken Martinez, Co-Chair
Sen. Michael S. Sanchez, Co-Chair
Rep. Ron Godbey
Sen. Richard C. Martinez

ABSENT

Rep. Thomas A. Anderson
Rep. Joseph Cervantes
Sen. Carroll H. Leavell
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam
Sen. Mary Jane M. Garcia
Sen. Cisco McSorley
Rep. Al Park
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder
Rep. Peter F. Wirth

Sen. Ben D. Altamirano
Sen. Gay G. Kernan
Sen. Shannon Robinson
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart
Rep. Thomas E. Swisstack
Rep. Joe Thompson

Staff

Maha Khoury
John Yaeger
Elizabeth Holmes

Guests

The guest list is in the meeting file.

Representative Martinez and Senator Sanchez welcomed committee members and guests. Maha Khoury and John Yaeger reviewed the proposed work plan for the committee. Representative Martinez asked the committee for comments on the proposed work plan. Following a discussion among committee members of possible agenda items, Representative Martinez asked for input from the audience and discussed possible times when the issues can be heard. Senator Sanchez suggested that the September meeting be held in Roswell instead of Las Cruces. The committee agreed to attend the national association of sentencing commissions

conference in August.

The committee then reviewed possible dates for meetings during this interim. The committee agreed to meet July 29-30 in Los Lunas and Albuquerque, August 26-27 in Grants, September 21-22 in Roswell and October 18-19 and December 1-2 in Santa Fe. The committee directed staff to call voting members and make sure they would be able to attend the September meeting in Roswell. Upon a motion made, and without objection, the work plan was adopted as amended. The proposed work plan, meeting schedule and budget will be presented to the legislative council at its June 29, 2004 meeting.

The committee adjourned at 11:45 a.m.

**MINUTES
of the
SECOND MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**July 29, 2004
Bernalillo County Juvenile Detention Center
5100 Second St. NW
Albuquerque, NM**

**July 30, 2004
Youth Diagnostic and Development Center
4000 Edith Blvd. NE
Albuquerque, NM**

The second meeting of the corrections oversight, courts and justice committee was called to order by Representative W. Ken Martinez, co-chair, on July 29, 2004 at 10:25 a.m. at the Bernalillo county juvenile detention center (BCJDC) in Albuquerque.

PRESENT

Rep. W. Ken Martinez, Co-Chair
Rep. Joseph Cervantes (7/29)
Rep. Ron Godbey
Sen. Carroll H. Leavell
Sen. Richard C. Martinez

ABSENT

Sen. Michael S. Sanchez, Co-Chair
Rep. Thomas A. Anderson
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam
Sen. Cisco McSorley (7/29)
Rep. Al Park
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder
Rep. Thomas E. Swisstack
Rep. Joe Thompson
Rep. Peter F. Wirth

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Sen. Gay G. Kernan
Rep. Jane E. Powdrell-Culbert
Sen. Shannon Robinson
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart

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

Staff

Maha Khoury
Elizabeth Holmes

Guests

The guest list is in the meeting file.

Thursday, July 29

Committee Business

Representative Martinez welcomed committee members and guests.

Thaddeus Lucero, Bernalillo County Manager

Mr. Lucero welcomed the committee to BCJDC. He discussed the multiple collaborations needed to initiate the juvenile reform that has taken place at BCJDC. He also told the committee that BCJDC's budget has remained flat for the past five years since the reform began.

The committee approved the minutes from the June 14, 2004 meeting.

Report from Juvenile Justice Services of the Children, Youth and Families Department (CYFD)

Art Murphy, director of juvenile justice services (JJS), provided the committee with an overview of JJS. JJS has four major program areas: juvenile probation and parole services, juvenile rehabilitation facilities, juvenile community corrections and behavioral health treatment. CYFD and JJS have begun a move to "front-end" services in an effort to reduce the population in juvenile facilities. Front-end services are community-based alternatives to incarceration. The move to front-end services also includes a process and assessment for appropriately placing juvenile offenders in either facilities or community services. The committee discussed the procedures for juveniles placed on probation or parole, and procedures for law enforcement officers who detain juveniles.

Mr. Murphy concluded by sharing with the committee JJS's goals and strategies. The strategies are to: support local communities to develop and implement detention reform; redeploy facility resources to provide enhanced front-end supervision and treatment services; develop enhanced facility mental health services; and focus on disproportionate minority contact.

Front-End Services: Best Practice of Other States and Challenges for New Mexico

Renada Peery, legislative finance committee analyst, informed the committee that the federal office of juvenile justice and delinquency prevention endorses the use of immediate intervention and graduated sanctions and the emphasis on the importance of assessments of juvenile offenders. In turn, these assessments can lead to the proper placement of the offender whether it be incarceration or community supervision. In 1974, the Juvenile Justice and Delinquency Prevention Act was passed, which provided for various grants and funds to support youth programs. New Mexico established the juvenile justice advisory committee in Section 9-2A-16 NMSA 1978 to provide oversight of CYFD and JJS and to ensure they were approved for grants and were in compliance with the federal Juvenile Justice and Delinquency Prevention Act.

Ms. Peery mentioned other state programs that are moving toward community-based programs, and challenges states face when implementing front-end services. These community programs include instituting day-reporting centers, multi-systemic therapy (MST) and family

functional therapy (FFT) and new approaches to reduce juvenile delinquency and recidivism. Ms. Peery cited challenges faced by states such as adhering to original program design of MST and FFT, maintaining qualified therapists and developing contract monitoring performance measures of community programs when moving toward front-end services.

Detention and System Reform: Collaborative Partnerships

Judge Tommy Jewell, children's court chief judge of the second judicial district, Todd Heicy, chief deputy district attorney of the second judicial district, and Thomas E. Swisstack, state representative and director of the BCJDC, shared with the committee the collaborative reform effort of Bernalillo county's juvenile justice system. The detention reform collaborative began in 1999 to study the second judicial district juvenile justice system, identify strengths and deficiencies, formulate policy, plans and programs for innovative change and disseminate this information to the agencies represented in the collaborative. By mid-1999, the partnership and collaboration between public and private organizations to address juvenile issues began to grow and a reduction was seen in recidivism and in the number of youths detained in facilities. The goals of the detention reform collaborative are to eliminate and find alternatives to incarceration, maintain court appearance rates, minimize the incidence of delinquent behavior through the implementation of effective community-based programs and implement processes and programs to address the issue of overrepresentation of minorities in juvenile detention and correctional facilities. Representative Swisstack and Representative Rick Miera provided the committee with information on various programs at BCJDC, including the assisting youth using drugs and alcohol (AYUDA) program.

Granting Local Communities Authority to Address Juvenile Issues

Gene Taylor and Joe Epstein, members of the Carlsbad community coalition and legislation action group, reported on increasing the abilities of local communities to respond to juvenile issues. The Carlsbad community formed a task force to ask for changes in the law that would give local police, local courts and government more authority to detain youths and enforce laws against juveniles.

State Prisoners in County Facilities

John Daitis, Bernalillo deputy county manager, discussed the budget problems Bernalillo county faces when left to subsidize transportation and housing of state prisoners from its budget without state reimbursement. Mr. Daitis said Bernalillo county supports the New Mexico association of counties' proposal to redefine "state prisoner" as a means to ensure that state and local governments are responsible for prisoners within their jurisdiction.

Tour of Bernalillo County Juvenile Detention Center

Committee members and staff toured BCJDC.

Friday, July 30

The committee reconvened at the youth diagnostic and development center (YDDC) in Albuquerque at 9:15 a.m.

Site Tour of YDDC

The committee conducted a site visit of YDDC led by Dr. Mary-Dale Bolson, secretary of children, youth and families, and Ron Lytle, superintendent of YDDC. Following the tour, Secretary Bolson stood for questions by the committee regarding CYFD's and JJS's move to front-end services.

Mental Health Issues in the Criminal Justice System

Judge Neil C. Candelaria, district court, Judge Cristina S. Jaramillo, metropolitan court, Judith Reed, mental health coordinator of the public defender's office, and Susan Page, deputy district attorney, briefed the committee on efforts made in the second judicial district to address mental health issues in the criminal justice system. They discussed the creation and operation of the mental health courts at both the district court and metropolitan court levels, and the collaboration among the courts, district attorneys, public defenders and the mental health community. The collaboration seeks alternatives to incarceration for offenders with mental illnesses when appropriate, and uses the authority of the court to mandate treatment.

Bari Roberts of the metropolitan criminal justice coordinating council provided an overview of Senate Joint Memorial 49 from the 2004 legislative session. Ms. Roberts briefed the committee on the need to study and revise state competency laws.

Public Comment

The committee received public comment from Peter Cubra, who recommended certain legislation be reviewed by the committee.

The committee adjourned at 12:45 p.m.

**MINUTES
of the
FOURTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**September 21-22, 2004
Roswell Correctional Center
578 Chickasaw Road
Hagerman, New Mexico**

The fourth meeting of the Corrections Oversight, Courts and Justice Committee was called to order by Representative W. Ken Martinez, co-chair, on September 21, 2004 at 10:20 a.m. at the Roswell Correctional Center (RCC) in Hagerman.

PRESENT

Rep. W. Ken Martinez, Co-Chair
Rep. Thomas A. Anderson
Rep. Joseph Cervantes
Sen. Richard C. Martinez

ABSENT

Sen. Michael S. Sanchez, Co-Chair
Sen. Carroll H. Leavell
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam
Sen. Gay G. Kernan (9/21)
Sen. Cisco McSorley
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Rep. Sheryl Williams Stapleton

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Rep. Al Park
Sen. Shannon Robinson
Sen. H. Diane Snyder
Rep. Mimi Stewart
Rep. Thomas E. Swisstack
Rep. Joe Thompson
Sen. Leonard Tsosie
Rep. Peter F. Wirth

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

Staff

John Yaeger
Evan Blackstone
Elizabeth Holmes

Guests

The guest list is in the meeting file.

Tuesday, September 21

Committee Business

Representative Martinez welcomed committee members and guests.

The committee approved the minutes from the August 25-26, 2004 meeting.

Report from the New Mexico Corrections Department

Secretary Joe Williams, Deputy Secretary Jolene M. Gonzales and Deputy Secretary Erma Sedillo, all of the New Mexico Corrections Department (NMCD), provided the committee with a report on the NMCD's 2004-2005 strategic plan, major goals, critical issues and strategies to lower costs. Secretary Williams also discussed the Consultants' Report on Prison Operations in New Mexico Correctional Institutions (IBI Report). The report for improvement was submitted by corrections experts in response to escalating violence at NMCD facilities in the summer of 1999. Secretary Williams requested that the committee and the legislature bring closure to the IBI Report's analysis because its recommendations are no longer relevant to operations at NMCD.

Secretary Williams told the committee that the vision and mission plan has remained unchanged from 2003. While the NMCD inmate population continues to grow, especially with the 1999 truth-in-sentencing legislation beginning to impact New Mexico's inmate population, the governor remains committed to not building more prisons. NMCD will continue to develop plans to control the prison population and seek alternatives to incarceration. Rehabilitation is also a focus of the department's program initiatives.

Secretary Williams said NMCD is developing an emergency preparedness system to ensure the safety of correctional officers, inmates and communities. According to the secretary, officer safety is a core value and the department wants its officers to defend themselves in a decisive and effective way. Correctional officers will be required to wear light-weight vests and carry a chemical agent for protection. Secretary Williams also informed the committee that all NMCD facilities are now tobacco free, except Guadalupe Correctional Facility, which is scheduled to become tobacco free in October 2004.

Secretary Williams provided the committee updated information on visitation issues, crime victims services and the department's "good time" initiatives. The secretary also referred to the department's progress on facilitating certifications of completion between NMCD and felons that are required to restore voting rights of felons.

Charles King, addictions services bureau chief, briefed the committee on DWI initiatives. A 72-bed residential treatment program for DWI offenders at the RCC was completed on May 10, 2004. The unit uses the therapeutic community model.

Irma Lucero, deputy director of female offender services, discussed implementing an effective classification program for female inmates that is designed to score females differently than their male counterparts. She provided information on the proposal to house female inmates at Camino Nuevo in Albuquerque. Camino Nuevo was vacated at the end of June 2004, and NMCD's goal is to open the facility in 2006. Ms. Lucero also discussed programs at La Entrada in Los Lunas.

George Drake, deputy director of probation and parole, and Sherry Helwig, community corrections, briefed the committee on NMCD's continued efforts to improve probation/parole programs. These include good time for parolees programs, transitional offender programs and parole plans that are developed as soon as an offender enters the system. Ms. Helwig discussed the work of the task force created by House Joint Memorial 53 during the 2004 legislative session to study barriers to successful reintegration of parolees into their communities. Mr. Drake said the report will be completed on or before November 1, 2004.

Follow-Up Questions from New Mexico Women's Justice Project From the August Meeting

Janet Winchester-Silbaugh, board chair of the New Mexico Women's Justice Project (NMWJP), and Angie Vachio, board member of NMWJP, summarized the statutory barriers facing female inmates and answered questions from the committee. Ms. Winchester-Silbaugh and Ms. Vachio stated that NMWJP supports gender-specific treatment at the Camino Nuevo facility, a parole violator's unit for women, housing initiatives and improving the process to restore voting rights for felons.

Report From the GEO Group, Inc., on Savings to the State, Visitation Policies and Inmate Telephone Rates

Les Houston, lobbyist for the GEO Group, Inc., reported on the telecommunications commissions collected by private corporations from inmates' phone calls. Mr. Houston informed the committee that the previous contracts have expired; therefore, the companies no longer have an arrangement to collect the commissions.

Mr. Houston provided the committee with information on the annual cost savings per year to the state by GEO. Based on fiscal year 2003 actual department expenditures, GEO saves the state money per inmate. Mr. Houston said that GEO facilities house two inmates per cell while the public facilities accommodate one inmate per cell, which creates part of the difference in operational expenses, and spoke about other factors to explain the difference.

Mr. Houston introduced Jason Gash and Nina Kim, both of Smith's Detection. Smith's Detection developed the IONSCAN 400B, a narcotics trace detector, which is used to scan all visitors at the New Mexico Guadalupe Correctional Facility, New Mexico Lea County Correctional Facility and Santa Fe County Detention Center. The machine is also used in random scans of NMCD employees at the facilities. NMCD would like to install trace detectors in all facilities and will request capital outlay funds to purchase them in the 2005 session. The IONSCAN 400B costs approximately \$46,000 per machine.

Update on the Drive Insured Program (HJM 72)

Larry Kehoe, director of the Motor Vehicle Division (MVD), and Kenneth Ortiz, program director of the MVD, updated the committee on the Drive Insured Program and the insurance identification database. Mr. Kehoe and Mr. Ortiz informed the committee that the uninsured rate in New Mexico has dropped from a national high of 33.02 percent to 15.19 percent, amounting to an additional 318,000 vehicles that have become insured since the first letters were sent out to uninsured motorists in December 2002. Mr. Kehoe and Mr. Ortiz said the goal of the Drive Insured Program is the continued decrease of the uninsured rate in New Mexico by notifying and suspending uninsured vehicles' registrations. The MVD will continue to review alternatives to provide affordable insurance to low-income vehicle owners.

Proposals for Reducing the Number of Uninsured Motorists, Including a Proposal for a Task Force

Andres Valdez and Steve Pilon, both of New Mexico Vecinos United, provided the committee with statistics and data on low-income drivers and proposed possible solutions to the uninsured motorist problems in New Mexico. They suggested the state introduce legislation similar to that of Oregon and Texas, which allows insurance to be purchased on a "per-mile" basis, known as pay-as-you-drive. Mr. Valdez acknowledged that the uninsured motorist issue is complicated and requested that the committee convene a task force to study these issues.

The committee recessed at 5:30 p.m.

Wednesday, September 22

The committee reconvened at the RCC in Hagerman. The meeting commenced at 9:30 a.m.

Electronic Recordings of Custodial Interrogations

Michael Stout of the New Mexico Criminal Defense Lawyers Association presented proposed legislation that would require electronic recording of custodial interrogations. Mr. Stout emphasized the need to have an accurate recording whenever an individual is being interrogated in a custodial setting. The legislation would require the recording be kept until the final disposition of the case. The committee raised several issues about the proposed legislation, including the cost of electronic recording equipment and potential conflicts with current statutory law.

Presentation on a Single Unit Bracelet Tracking Device

James Arieno of the National Corrections Rehabilitation Corporation briefed the committee on a single unit bracelet tracking device that is being used as an alternative to incarceration for offenders in Florida. The unit uses a global positioning system that tracks the location of an offender. Mr. Arieno said the cost of the unit is \$10.50 per unit per day. Mr. Drake told the committee that NMCD supports the bracelet tracking device technology but that New Mexico may not have the resources to respond to the monitoring.

Site Tour of RCC

The committee accompanied correctional officers on a site visit of RCC.

The committee adjourned at 1:00 p.m.

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

**October 12-13, 2004
State Capitol, Room 311
Santa Fe, NM**

The fifth meeting of the Corrections Oversight, Courts and Justice Committee was called to order by Representative W. Ken Martinez, co-chair, and Senator Michael S. Sanchez, co-chair, on October 12, 2004 at 2:00 p.m. in Room 311, State Capitol.

PRESENT

Rep. W. Ken Martinez, co-chair
Sen. Michael S. Sanchez, co-chair
Rep. Thomas A. Anderson
Sen. Richard C. Martinez

ABSENT

Rep. Joseph Cervantes
Sen. Carroll H. Leavell
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam (10/13)
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder (10/13)
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart
Sen. Leonard Tsosie (10/13)
Rep. Peter F. Wirth

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Sen. Gay G. Kernan
Sen. Cisco McSorley
Rep. Al Park
Sen. Shannon Robinson
Rep. Thomas E. Swisstack
Rep. Joe Thompson

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

Staff

Maha Khoury
Evan Blackstone
Elizabeth Holmes

Guests

The guest list is attached to the original minutes.

Tuesday, October 12

Committee Business

Representative Martinez and Senator Sanchez welcomed committee members and guests.

The committee approved the minutes from the September 21-22, 2004 meeting.

Report from the New Mexico Sentencing Commission

Michael Hall, executive director of the New Mexico Sentencing Commission (NMSC), reported on the major changes and events at the NMSC over the past year. NMSC held about 50 meetings in the past 12 months, the majority of which were on sex offender-related issues. The NMSC's web site is currently receiving approximately 90,000 hits per month. Mr. Hall also mentioned the successful national sentencing commission conference hosted by NMSC, the addition of the Sex Offender Management Board (SOMB) and staffing changes.

Claudia Armijo, NMSC staff, and Matt Thomas, SOMB member, briefed the committee on the work of the SOMB. A few of the latest issues addressed by the SOMB are the use of polygraphs in sex offender management and the imposition of a surcharge for convicted sex offenders. The largest focus of the SOMB has been to bring New Mexico's Sex Offender and Notification Act, or Megan's Law, into federal compliance with the provisions of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Ms. Armijo and Mr. Thomas presented proposed amendments to New Mexico's Sex Offender Registration and Notification Act.

John Bigelow, chief public defender and NMSC member, reported on the New Mexico Supreme Court's task force appointed to study problems in the New Mexico court system. The task force has recommended that a study be conducted regarding the statewide resource needs of the public defender, district attorneys and state courts. NMSC is seeking funding for this study, and it requested that the committee endorse an appropriation bill. NMSC is also proposing legislation concerning processing fees for worthless check prosecutions and an equitable theft bill, and will report on earned meritorious deductions.

Tony Ortiz, NMSC staff member, discussed the initiatives and proposed draft legislation of other NMSC committees such as the Data Committee, Sentencing Reform Committee, Juvenile Committee and Legislative Committee.

Early Plea Program (EPP) Pilot in Bernalillo County

Ralph Odenwald, district public defender, Richard Bowman, deputy district attorney, the Honorable Richard J. Knowles of the Second Judicial District Court and Bari Roberts, executive director of the Metropolitan Criminal Justice Coordinating Council, reported on the early plea program in Bernalillo County and requested that the program be enhanced. The program is a collaboration among the courts, the district attorney and the public defender to reduce the backlog of criminal cases, minimize the impact of increasing annual caseload and maximize system resources for more complex cases in the Second Judicial District.

Report from the Office of the Medical Examiner

Dr. Ross E. Zumwalt, chief medical investigator, and Tim Stepetic, both of the New Mexico Office of the Medical Investigator (OMI), briefed the committee on OMI's backlog and turnaround time. Dr. Zumwalt informed the committee that failure to retain toxicologists contributes to backlog because toxicologists are lured to the private sector by higher salaries. As possible solutions to the problem, Dr. Zumwalt suggested the compensation cap on toxicologists' salaries be eliminated and he recommended an increase in the salary range of toxicologists employed by the state. Dr. Zumwalt also reported that OMI funding and revenue has increased in recent years. Last year, the legislature approved a 20 percent increase in funding for toxicology. OMI hopes to hire four additional full-time employees.

Report from the Department of Public Safety Forensic Laboratories

Susan Scholl and Paul Cook of the New Mexico Department of Public Safety (DPS) forensic laboratories briefed the committee on the backlog and turnaround time at the forensic laboratories. Ms. Scholl said the DPS forensic laboratories' backlog and turnaround time is due to a shortage of resources and case prioritization. Space limitations at the laboratories severely impede the addition of extra staff or disciplines and DPS forensic laboratories are faced with recruitment and retention issues.

The committee recessed at 6:30 p.m.

Wednesday, October 13

The committee reconvened at 9:30 a.m. in Room 311, State Capitol.

Report From the Judiciary

The Honorable Petra Maes, chief justice of the New Mexico Supreme Court, the Honorable Richard C. Bosson, justice of the New Mexico Supreme Court, and the Honorable James J. Wechsler, chief judge of the New Mexico Court of Appeals, reviewed and presented the priorities and proposed legislation for fiscal year 2006 for the judicial branch. The priorities of the judiciary include adequate funding for: base budgets, staff and judicial salaries, additional judgeships, new staffing and drug court replacement funds.

The Juvenile Justice Continuum of Services, Sixth Judicial District

Scott Vinson, Luna County manager, Susanne D'Avalon, grant writer for the Luna County Manager's Office, and Joe Nestor Chavez reported on the Sixth Judicial District's Juvenile Justice Continuum of Services (JJCS). JJCS is a collaborative strategy and program between Luna, Hidalgo and Grant county leaders and the Sixth Judicial District to develop programs for intervention, prevention and diversion of juvenile delinquent behavior. The program has been cost-effective and reduced long-term commitments to New Mexico juvenile detention facilities, reduced the number of juvenile petitions filed and reduced the total number of delinquent offenses. The Juvenile Services Division of the Sixth Judicial District will request an annual appropriation from the legislature for sustaining the implementation of the Sixth Judicial District's JJCS. The committee raised the possibility of using JJCS as a model for a pilot program or statewide initiative to reduce juvenile crime in other parts of New Mexico.

Children's Cabinet on Safeguarding Children Found in a Methamphetamine Production Environment (HJM 77)

The committee heard from Dorian Dodson, Dr. Robert Sapien and Dr. Karen Campbell, all members of the task force assembled by the Children's Cabinet to create an approach to protect and care for children found in a methamphetamine environment. The task force included representatives from law enforcement, child protection services and the medical community. The task force was created pursuant to House Joint Memorial 77 of the 2004 legislative session and Ms. Dodson, Dr. Sapien and Dr. Campbell presented the task force's report. The panel discussed the procedures developed by the working task force for first responders to the methamphetamine production environment. The report includes a plan for training agencies involved in the care of children affected by methamphetamine exposure. The report also outlines the resource needs of law enforcement, child protective services and emergency medical services to implement the protocol.

Proposed Amendment to the Domestic Violence Offender Treatment Fee

Agnes Maldonado, executive director of the New Mexico Coalition Against Domestic Violence, proposed an amendment to the domestic violence offender treatment fee to include collection of the fee from any person convicted of violating a provision of the Motor Vehicle Code.

Legislative Proposal Regarding Insurance Fraud Penalties

Alan Rackstraw, first assistant prosecutor of the Insurance Fraud Bureau, requested that the committee introduce and endorse a bill similar to Senate Bill 289 introduced during the 2004 legislative session. The bill amended a section of the New Mexico Insurance Code to increase penalties for degrees of false application offenses. Representative Martinez directed that this bill, as amended, be included in the equitable theft bill presented by the NMSC.

The committee adjourned at 2:00 p.m.

**MINUTES
of the
SIXTH MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE
(not approved)**

**December 1-2, 2004
State Capitol, Room 307
Santa Fe, NM**

The sixth meeting of the corrections oversight, courts and justice committee was called to order by Senator Lidio G. Rainaldi on December 1, 2004 at 10:20 a.m. in Room 307, State Capitol.

PRESENT

Rep. W. Ken Martinez, Co-chair
Sen. Michael S. Sanchez, Co-chair
Rep. Joseph Cervantes (12/2)
Sen. Carroll H. Leavell
Sen. Richard C. Martinez

ABSENT

Rep. Thomas A. Anderson
Sen. William H. Payne

Advisory Members

Rep. Gail C. Beam
Sen. Mary Jane M. Garcia (12/2)
Sen. Cisco McSorley (12/1)
Rep. Al Park (12/1)
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart
Rep. Joe Thompson
Sen. Leonard Tsosie
Rep. Peter F. Wirth

Sen. Ben D. Altamirano
Sen. Gay G. Kernan
Sen. Shannon Robinson
Rep. Thomas E. Swisstack

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

Staff

Maha Khoury
Evan Blackstone
Tim Crawford
Elizabeth Holmes

Guests

The guest list is in the meeting file.

Wednesday, December 1

Committee Business

Senator Rainaldi welcomed committee members and guests.

The committee approved the minutes from the October 12-13, 2004 meeting.

Duty of Title Insurance Companies for the Consumer

Advocates for the consumer and representatives of title insurance companies presented to the committee their perspectives on the duty of title insurance companies to search and examine land titles. Eric Sedillo Jeffries, an attorney with Jeffries, Rugge and Rosales, P.C., Kurt Faust, Tierra Concepts, Inc., and James P. Ross, a consultant with Actuarial and Insurance Management Issues, presented to the committee a bill to reverse a law that was enacted in 1999. The proposed bill would allow actions by consumers against title insurance companies outside the policy. Edward J. Roibal, executive director of the New Mexico Land Title Association (NMLTA), Carolyn Monroe, president of the Land America Albuquerque Title Company, Kevin Peterman, an attorney with Vogel, Campbell and Blueher, P.C., and Dan Terrell, manager and past president of the NMLTA, represented the title insurance companies and stated that the title policy is sufficient to protect the consumer. Such a bill may put local title insurance companies out of business.

Proposals for a "Move Over" Law

Representative Jeannette O. Wallace, Justin Grider, Los Alamos fire department captain, and Paul Jacobs, Bernalillo county sheriff sergeant, presented proposed legislation to the committee that would require New Mexico drivers to change lanes or slow down when approaching a stationary emergency vehicle with its flashing lights on. A motorist that fails to yield under the proposed legislation may be assessed a fine. Representative Wallace expressed her intention to introduce the legislation in the upcoming session.

Report from the Ignition Interlock Technology and Deployment Task Force

Representative Ken Martinez, Rachel O'Connor, DWI czar, and John Wheeler, general counsel at the department of public safety, reported to the committee on the work of the task force on ignition interlock technology and deployment. The task force's recommendations to the legislature include requiring ignition interlock devices for all convicted DWI offenders, increasing the license revocation period to one year, developing concurrent process standards for offenders required to use ignition interlock devices, supporting laws for tampering with the ignition interlock devices and amending the ignition interlock fund to add a 10 percent standard fee. Representative Martinez also discussed the latest technological developments in ignition interlock devices.

Governor's Proposals for DWI Legislation

Ms. O'Connor and Mr. Wheeler provided the committee with a summary of the governor's proposals for DWI legislation. The proposals would lower the blood alcohol concentration level to six one hundredths (.06) for persons previously convicted of driving under

the influence of alcohol, require ignition interlock devices for all convicted DWI offenders, establish a process that would empower local governments to restrict alcohol sales and create a "drunkbusters" toll-free hotline to report drunk drivers and sales of alcohol to minors.

Legislative Proposals from Qwest

Representatives of Qwest presented legislative proposals to the committee on competition and the rural extension fund. Leo Baca, director of external affairs, Nina Taylor, regulatory director, and Loretta Aventa, Qwest's new CEO, summarized the proposals, presented data on competition and access lines in New Mexico and addressed their opponents' criticisms of the legislation. The competition proposal would permit pricing flexibility in Qwest's service areas where there are three or more competitors. The rural extension proposal would eliminate the public regulation commission requirement that Qwest maintain a rural extension fund.

Report on the Warrant Process Study (SJM 56) and the Competency Laws Study (SJM 49)

Marc Saavedra, court administrator of the Bernalillo county metropolitan court, and Berri Roberts, executive director of the metropolitan criminal justice coordinating council, provided the committee with an update on the warrant process study. Mr. Saavedra and Ms. Roberts reported that various strategies are being developed to reduce the backlog of warrants. These strategies include sending letters to remind persons they have outstanding warrants, purging the outstanding warrants list of deceased persons and conducting warrant blitzes or roundups. Mr. Saavedra and Ms. Roberts also reported on the implementation of a traffic arraignment court in July 2002 to decrease warrants.

The Honorable Neil Candelaria, second judicial district court judge, the Honorable Cristina Jaramillo, Bernalillo county metropolitan court judge, Dr. Chris Singer, department of health, Barry Bitzer, senior analyst of the Albuquerque mayor's office, and Judith Reed, mental health coordinator of the public defender's office, briefed the committee on the competency laws study. They described the mental health courts in Bernalillo county, summarized the debate on whether to amend the current competency laws and discussed possible alternatives to changing the law. The aim is to develop a system to identify and treat individuals with mental illness that the court deals with on a revolving basis. The district attorney's office and the public defender's office are working on a memorandum of understanding to help solve the problem.

Loan Repayment Assistance for Assistant District Attorneys, Assistant Public Defenders and Nonprofit Legal Aid Services

John Bigelow, chief public defender, Donald Gallegos, president-elect of the New Mexico district attorney's association, Gail Evans, senior attorney at the New Mexico center on law and poverty, and John Feldman, director of career and student services at the university of New Mexico school of law, presented draft legislation on loan repayment assistance for assistant district attorneys, assistant public defenders and attorneys for nonprofit legal services. Mr. Feldman informed the committee of the need to attract and retain lawyers in these public service positions. The proposed loan repayment program would help lawyers pay debts accrued during law school for tuition and living expenses. The program includes a minimum year service requirement and a penalty for persons who fail to complete their obligations under the program.

Funding for Contract Representation in Death Penalty Cases

Mark H. Donatelli, member of the New Mexico criminal defense lawyers association, reported on the expenses incurred by private attorneys who contract with the public defender's department to defend individuals charged with the commission of capital murder. The proposed legislation would appropriate funds to raise the current level of payments for defense of death penalty cases to the level of payment available for defense of basic civil claims against the state. The fees for attorney compensation would be paid on an hourly basis comparable to the existing risk management division's schedule for attorney fees.

Magistrate and District Court Clerks

Tobie Souratt, magistrate court clerk in Lovington, Rosemary Naegely, magistrate court clerk in Roswell, and Fern Goodman, administrative office of the courts, briefed the committee on the problem of retaining court clerks, especially at the magistrate court level. Ms. Souratt and Ms. Naegely expressed their support for the proposed legislation presented by the judiciary to increase the salaries of full-time judicial employees.

Meritorious Deductions Earned by Prisoners

Michael Hall, executive director of the New Mexico sentencing commission (NMSC), and Paul Guerin, Ph.D., and Linda Freeman, both research scientists at NMSC, provided the committee with a report that estimates the average proportion of time served by inmates released from July 1, 2003 to June 30, 2004 who earned credits to their sentences under the earned meritorious deductions statute and corrections department policies. The 2004 study required 750 staff hours to complete and reports a greater number of offenders than had been reported in previous years.

Ms. Freeman reported on the status of an NMSC study being conducted for the New Mexico association of counties on offenders charged or convicted under state law but housed in county facilities. The study includes information on parole and probation violators and should be completed by mid-January 2005.

Opiate Replacement Therapy for Inmates

Dr. Barbara McGuire, MD, president of the greater Albuquerque medical association, Dr. Ron Vorhees, MD, chief medical officer for the department of health, and Dr. Sandra Penn, MD, requested committee support for legislation that would allow intervention in ongoing heroin use in correctional facilities by providing opiate replacement therapy to inmates. They also informed the committee that opiate treatment could reduce rates of hepatitis C and other infectious diseases. Frank Pullara, health services director for the corrections department, informed the committee of an opiate replacement therapy pilot program being implemented at the metropolitan detention center in Bernalillo county.

Public Comment

The committee received public comment from Bennett Baur, who expressed his concerns to the committee regarding proposals to lower the blood alcohol concentration level for repeat DWI offenders and requiring ignition interlock devices for DWI offenders upon their first conviction.

The committee recessed at 6:30 p.m.

Thursday, December 2

The committee reconvened at 9:35 a.m. in Room 307, State Capitol.

Revisions to Sex Offender Registration and Notification Act

Randall Cherry, staff for the sex offender management board of NMSC, and Mr. Wheeler summarized the revised proposed amendments to the Sex Offender Registration and Notification Act. The 10 changes incorporate suggestions the committee made during its October meeting. NMSC has not approved the revisions and will meet in January to make its final recommendations.

Pre-Release Benefits Assistance for Incarcerated Persons with Mental or Developmental Disabilities

Nancy Koenigsberg, managing attorney for the protection and advocacy system, provided an overview of proposed legislation that would facilitate community reintegration from correctional facilities for persons with mental and developmental disabilities. Ms. Koenigsberg informed the committee that when incarcerated persons with disabilities leave correctional facilities, they often face a high risk of relapse and homelessness if there is no continuity of care. She hopes the proposed legislation will work to establish a partnership between state agencies and local entities to develop a system to identify persons with mental or developmental disabilities and ensure they have benefits before being discharged from correctional facilities.

Juvenile Justice Update and Proposals for Revisions to the Children's Code

Mary-Dale Bolson, secretary of children, youth and families, Dan Pearlman, general counsel for the children, youth and families department (CYFD), and Dave Schmidt, member of the New Mexico Children's Code task force, provided an overview on revisions to the Children's Code that will be proposed during the 2005 legislative session. CYFD convened a task force of individuals from around the state involved in the child welfare and juvenile justice system to identify Children's Code revisions. The proposed revisions include adding offenses for youthful offenders, establishing time frames for preliminary inquiries, requiring a mandatory parole period, modifying the authority of delinquency courts to refer cases for abuse and neglect, clarifying that only the adjudication of youthful offender offenses can support youthful offender sentencing, defining conditions for extension of facility commitments and restructuring the juvenile parole board staff and authority.

Secretary Bolson and Diane Rivera-Valencia, deputy secretary for CYFD, provided the committee with a juvenile justice update regarding the functional family therapy implementation and facility population trends.

Consideration of Legislative Proposals

The committee reviewed and considered the legislative proposals it received during the interim. The committee adopted only those proposals for which there were no objections. A list of the proposals and what was adopted was prepared by staff.

The committee adjourned at 3:00 p.m.

Legislative Proposals

NEW MEXICO LEGISLATIVE COUNCIL SERVICE
411 State Capitol
Santa Fe, New Mexico 87501
(505) 986-4600

TO: Corrections Oversight, Courts and Justice Committee Members

FROM: Maha Khoury and Evan Blackstone

SUBJECT: COMMITTEE ACTION ON LEGISLATIVE PROPOSALS GENERATED
DURING THE 2004 INTERIM

1. Provide municipalities and counties with authority to enact curfew ordinances.
(Carlsbad Legislation Action Group) (**No action**)
2. Provide municipal, magistrate and metropolitan courts with concurrent jurisdiction over certain misdemeanor offenses committed by juveniles. (Carlsbad Legislation Action Group) (**No action**)
3. Other proposals from Carlsbad Legislation Action Group: (**No action**)
 - a. Require juvenile probation and parole officers to recognize city ordinances in relation to juveniles.
 - b. Allow immediate detention of juveniles by local police without authorization from a juvenile probation and parole officer.
 - c. Allow parents and guardians to put teens in drug rehabilitation centers.
4. Provide reimbursement to counties for housing state prisoners. (NM Association of Counties) (**Adopted**)
5. Require the corrections department and the court clerks to notify the secretary of state when a person convicted of a felony becomes eligible to vote. (NM Women's Justice Project) (**Adopted**)

6. Provide an enhanced 20-year retirement plan for juvenile corrections officers.
(Ralph Robles, AFSCME) (**Adopted**)
7. Provide a wage adjustment increase of \$3.50 an hour for adult corrections officers.
(Ralph Robles, AFSCME) (**Adopted**)
8. Add two alternate members to the juvenile parole board and provide compensation for review of case files. (Juvenile Committee, NM Sentencing Commission) (**No action**)
9. Make an exception for designated drivers under the Mandatory Financial Responsibility Act. (Committee Members) (**Adopted**)
10. Create task force to study uninsured motorists issues among low-income populations. (NM Vecinos United) (**Adopted**)
11. Require electronic recording of custodial interrogations. (NM Criminal Defense Lawyers' Association) (**Adopted**)
12. Amendments to the Sex Offender Registration and Notification Act. (NM Sentencing Commission) (**Adopted**)
13. Standardize criminal penalties for property crimes based on the monetary value of the property. (NM Sentencing Commission) (**Adopted**)
14. Increase processing fees that may be imposed by district attorneys in worthless check cases. (NM Sentencing Commission) (**Adopted**)
15. Appropriation to the New Mexico sentencing commission for a workload study regarding equitable resource needs of the public defender, district attorneys and state courts. (NM Sentencing Commission) (**Adopted**)

16. Add secretary of public safety as a member of the sex offender management board.
(NM Sentencing Commission) **(Adopted)**
17. Create a judicial compensation commission to recommend salaries for magistrate, metropolitan, district and appellate judges and supreme court justices. (Judiciary)
(Adopted)
18. Provide salary increases for full-time judicial employees. (Judiciary) **(Adopted)**
19. Create six new judgeships: three district court judges, two magistrate judges and one metropolitan court judge. (Judiciary) **(Adopted)**
20. Appropriations to replace federal and grant funds for drug courts, expand existing drug courts, create new drug courts and evaluate them. (Judiciary) **(Adopted)**
21. Add personal income tax filers to the jury source list and amend jury selection law to reflect use of technology. (Judiciary) **(No action)**
22. Make it a crime to simulate the legal process. (Judiciary) **(Adopted)**
23. Transfer human rights commission appeals from the supreme court to the court of appeals. (Judiciary) **(Adopted)**
24. Request the administrative office of the courts, the administrative office of the district attorneys and the association of counties to study the responsibilities of counties in providing facilities for district courts and district attorneys. (Judiciary)
(Adopted)
25. Appropriation to the sixth judicial district to replace federal funds for the juvenile justice continuum of services. (Scott Vinson, Luna County Manager) **(Adopted)**

26. Require that the domestic violence offender treatment fee apply to all motor vehicle code violations. (NM Coalition on Domestic Violence) **(No action)**
27. Include electronic communication as a form of "cyber" stalking and harassment. (Sandra Gardner, Domestic Violence Czar) **(No action)**
28. Allow a victim of domestic abuse to use the secretary of state as a substitute address. (Sandra Gardner, Domestic Violence Czar) **(Adopted)**
29. Restore duty of reasonable care by title insurance companies in conducting title searches and examinations. (Eric Sedillo Jeffries, Randy Felker, Kurt Faust) **(No action)**
30. Require vehicles to move over or slow down when approaching a stationary emergency vehicle with its emergency lights on. (Los Alamos Fire Department, Bernalillo County Sheriff) **(Adopted)**
31. Lower the alcohol concentration level to six one hundredths (.06) for persons previously convicted of driving under the influence of intoxicating liquor. (Governor) **(No action)**
32. Require ignition interlock for all convicted DWI offenders as follows: one year for the first offense; two years for a second offense; three years for a third offense; and lifetime with a five year review for a fourth DWI conviction. (Governor) **(No action)**
33. Create "Drunkbusters" DWI hotline to report intoxicated drivers and the provision of alcohol to minors. (Governor) **(No action)**
34. Create a process that would empower local governments to restrict alcohol sales. (Governor) **(No action)**

35. Allow pricing flexibility where there are three or more telecommunications competitors in a particular market and maintain public regulation commission oversight where there are less than three competitors. (Qwest Communications) **(No action)**
36. Eliminate the rural extension fund imposed on Qwest and allow a line extension policy. (Qwest Communications) **(No action)**
37. Establish a legal education loan repayment assistance program for assistant district attorneys, assistant public defenders and non-profit legal aid services. (Public Defender, District Attorneys Association, NM Center on Law and Poverty) **(Adopted)**
38. Provide funding for contracts with attorneys for representation of indigent defendants in death penalty cases. (NM Criminal Defense Lawyers Association) **(Adopted)**
39. Require prisons and jails to help incarcerated persons with mental or developmental disabilities apply for public benefits prior to their release. (Peter Cubra, NM Protection and Advocacy System) **(Adopted)**
40. Include aggravated battery against a household member as a serious violent offense for purpose of earned meritorious deductions. (NM Sentencing Commission) **(Adopted)**

