



NEW MEXICO LEGISLATURE

COURTS, CORRECTIONS AND JUSTICE COMMITTEE

2022 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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TABLE OF CONTENTS

INTERIM SUMMARY

WORK PLAN AND MEETING SCHEDULE

AGENDAS AND MINUTES

ENDORSED LEGISLATION

INTERIM SUMMARY

Courts, Corrections and Justice Committee 2022 Interim Summary

The Courts, Corrections and Justice Committee (CCJ) met for a total of 18 days in Santa Fe and Albuquerque during the 2022 interim and heard presentations from state officials and advocates on a wide array of issues ranging from a review of the implementation of House Bill 68 (2022), various ways to address gun violence and drunk driving and a *Kevin S.* settlement update.

At the beginning of the interim, the CCJ added three dates to its interim schedule to focus exclusively on criminal justice reform topics. Those meetings were held on September 1 and December 7-8. Topics discussed included: an update on the Criminal Code rewrite by the New Mexico Sentencing Commission; probation and parole reform; fines and fees reform; corrections oversight; proposed changes to the felony sentencing structure; and a review of the findings of the Senate Memorial 6 (2022) and House Memorial 11 (2022) Task Force regarding prison and jail unification.

In July, the CCJ reviewed the progress of the implementation of House Bill 68 (2022), an omnibus crime bill, had one day devoted to potential ways to address gun violence in New Mexico and received an update from the Corrections Department. In August, the committee discussed bankruptcy reform and affordable housing's connection to crime and heard about cannabis regulation and alcohol issues in the state.

In September, the CCJ received updates from the New Mexico Counties, the Children, Youth and Families Department, the Administrative Office of the Courts, the Public Defender Department and the New Mexico District Attorney Association. During its October meeting, the committee discussed ideas to address gun violence, the Albuquerque Violence Intervention Program, regional water systems and the State Bar of New Mexico and received an update from the attorney general.

At its November meeting, the CCJ discussed modernizing the legislature and law enforcement retention, received an update on the *Kevin S.* settlement and considered legislation for endorsement. The committee endorsed six bills relating to: medical and geriatric parole; payment of fines, fees and costs associated with conviction; creating a crime reduction grant fund; revising rules of data collection; revising judicial salaries; and relocating the Judicial Education Fund to the Administrative Office of the Courts.

WORK PLAN AND MEETING SCHEDULE

**2022 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

Members

Sen. Joseph Cervantes, Co-Chair
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Daniel A. Ivey-Soto
Rep. Antonio Maestas

Sen. Mark Moores
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo

Advisory Members

Rep. Deborah A. Armstrong
Sen. Gregory A. Baca
Rep. Micaela Lara Cadena
Sen. Jacob R. Candelaria
Rep. Christine Chandler
Sen. Katy M. Duhigg
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos

Rep. T. Ryan Lane
Sen. Linda M. Lopez
Rep. Georgene Louis
Rep. Roger E. Montoya
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Sen. Mimi Stewart
Sen. Peter Wirth

Work Plan

The New Mexico Legislative Council created the Courts, Corrections and Justice Committee (CCJ) on April 26, 2022. During the 2022 interim and as time permits, the CCJ will examine the following topics and receive presentations that address or include:

A. Courts:

1. an update from the Administrative Office of the Courts;
2. updates from the judiciary, including from the supreme court, the dean of the University of New Mexico School of Law and the chair of the Appellate Judges Nominating Commission;
3. an update from the Public Defender Department, including discussion of:
 - caseloads;
 - staffing and staff training; and
 - programs, budgets and budget priorities in each district and legislative priorities;
4. an update from the Administrative Office of the Courts, the Administrative Office of the District Attorneys and the New Mexico District Attorney Association, including discussion of:
 - caseloads;

- staffing and staff training; and
 - programs, budgets and budget priorities in each district and legislative priorities;
5. justice reinvestment opportunities for the Administrative Office of the Courts, public defenders and district attorneys;
 6. peer support and divergence;
 7. sufficient court funding;
 8. data on race, ethnicity and gender; and
 9. rulemaking on expungement;
- B. Corrections Oversight:
1. discussion of CCJ staff oversight;
 2. an update from the New Mexico Sentencing Commission; and
 3. an update from the Corrections Department, including discussion of:
 - staffing and staff training;
 - programs, budgets, budget priorities and legislative priorities; and
 - probation and parole;
- C. Criminal Law and Criminal Justice Reform:
1. criminal justice reform and recommended legislation, including:
 - probation and parole reform;
 - pretrial detention;
 - fines and fees reform; and
 - justice reinvestment;
 2. a study and redraft of the Criminal Code by the New Mexico Sentencing Commission;
 3. an update from the Office of the Attorney General; and
 4. juvenile parole;

D. Policing and Law Enforcement:

1. a review of 2022 enacted legislation;
2. law enforcement training reform;
3. trauma-informed and culturally competent intervention;
4. an update from the New Mexico Law Enforcement Academy;
5. the status of federal oversight of the Albuquerque Police Department; and
6. return-to-work policies;

E. Gun Safety:

1. a discussion from a panel of stakeholders;
2. federal and state responses; and
3. constitutional issues;

F. Elections:

1. voter education and an independent redistricting commission; and
2. elections reforms sought during the 2022 legislative session;

G. Children, Youth and Families Department (CYFD):

1. a model for a CYFD ombud;
2. the *Kevin S.* settlement discussion regarding codification;
3. a discussion of the death of a child in CYFD custody; and
4. implementation of the Indian Family Protection Act;

H. Topic Requests by Committee Members and the Public:

1. bankruptcy reform;
2. the Office of Family Representation and Advocacy;

3. the State Bar of New Mexico Equity and Inclusion Office;
 4. the University of New Mexico Bureau of Business and Economic Research's preliminary results of its study regarding the modernization of the legislature;
 5. an update on the Financial Disclosure Act;
 6. organized crime;
 7. drugged driving;
 8. allegations of sexual abuse at the Central New Mexico Correctional Facility in Los Lunas;
 9. regionalization of water systems;
 10. separation of powers issues; and
 11. mandatory independent investigation of police shootings;
- I. legislation for committee consideration; and
 - J. as necessary, an examination of other issues relevant to courts, corrections and justice and criminal justice reform.

**Courts, Corrections and Justice Committee
2022 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 2	Santa Fe
July 25-27	Santa Fe
August 22-24	Santa Fe
September 1	Santa Fe
September 28-30	Santa Fe
October 17-19	Las Cruces
November 21-22	Santa Fe
December TBD	Santa Fe

AGENDAS AND MINUTES

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

**June 2, 2022
State Capitol, Room 322
Santa Fe**

Thursday, June 2

- 1:30 p.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 2:00 p.m. (1) **[Review and Adoption of the 2022 Work Plan and Meeting Schedule](#)**
—Sean Dolan, Staff Attorney, Legislative Council Service
- 3:30 p.m. **Public Comment**
- 3:45 p.m. **Adjourn**

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

**June 2, 2022
State Capitol, Room 322
Santa Fe**

The first meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on June 2, 2022 at 1:42 p.m. in Room 322 of the State Capitol in Santa Fe.

Present

Sen. Joseph Cervantes, Co-Chair
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Karen C. Bash
Sen. Daniel A. Ivey-Soto
Rep. Antonio Maestas
Sen. Bill B. O'Neill
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo

Advisory Members

Rep. Micaela Lara Cadena
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Sen. Peter Wirth

Absent

Rep. Zachary J. Cook
Sen. Mark Moores
Sen. Cliff R. Pirtle

Rep. Deborah A. Armstrong
Sen. Gregory A. Baca
Sen. Jacob R. Candelaria
Rep. Christine Chandler
Sen. Katy M. Duhigg
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Sen. Linda M. Lopez
Rep. Georgene Louis
Rep. Roger E. Montoya
Sen. Mimi Stewart

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Bill Drafter, LCS
Nancy Martinez, Research Assistant, 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.

Review and Adoption of the 2022 Work Plan and Meeting Schedule (1:53 p.m.)

Mr. Dolan provided the committee with a presentation regarding the 2022 Work Plan and Meeting Schedule. The presentation can be found here:

https://www.nmlegis.gov/Committee/Handouts_List?CommitteeCode=CCJ&Date=6/2/2022.

Public Comment (3:41 p.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:56 p.m.

Revised: July 25, 2022

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

**July 25-27, 2022
State Capitol, Senate Chamber
Santa Fe**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with drafts of topics for those meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's [web page](#) in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Monday, July 25

- 10:00 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 10:15 a.m. (1) **[Update from the Legislative Finance Committee \(LFC\) Regarding Crime and Public Safety Legislation](#)**
—Jon Courtney, Deputy Director for Program Evaluation, LFC
—Ellen Rabin, Fiscal Analyst, LFC
- 12:00 noon **Lunch**
- 1:30 p.m. (2) **[Review and Update Regarding Implementation of House Bill 68 \(2022\) and Future Directions](#)**
—Marcus Montoya, President, New Mexico District Attorney Association (NMDAA)
—Celia Perry, Manager, Statewide Pretrial Program, Administrative Office of the Courts (AOC)
—Gilbert Jaramillo, Pretrial Data Analyst, AOC
—Kim Chavez Cook, Appellate Defender, Public Defender Department
—Benjamin Baker, Deputy Secretary and Interim Director, New Mexico Law Enforcement Academy
- 4:00 p.m. **Public Comment**
- 4:30 p.m. **Recess**

Tuesday, July 26

- 9:00 a.m. **Reconvene**

- 9:05 a.m. (3) [Update on National Gun Laws and States' Ability to Regulate Guns](#)
—Anne Teigen, Director, Criminal Justice Program, National Conference of State Legislatures
- 10:15 a.m. (4) [Summary of New York State Rifle & Pistol Association, Inc. v. Bruen](#)
—Brandon Cummings, Senate Judiciary Committee Analyst
- 10:45 a.m. (5) [Update on the Effectiveness of Current Gun Violence Initiatives](#)
—Matthew Broom, Deputy Chief, Department of Public Safety (DPS)
—Jason Greenlee, General Counsel, DPS
—Sheila Lewis, J.D., Extreme Risk Protection Order Trainer, New Mexicans to Prevent Gun Violence
—Sheriff Glenn Hamilton, Legislative Liaison, New Mexico Sheriffs' Association
- 12:30 p.m. **Working Lunch - Public Comment**
- 1:30 p.m. (6) [Addressing Gun Violence in New Mexico](#)
—Miranda Viscoli, Co-President, New Mexicans to Prevent Gun Violence
—Richard Miskimins, M.D., Assistant Professor of Surgery, University of New Mexico Health Sciences Center; Associate Trauma Medical Director, University of New Mexico Hospital
—Ari Davis, Policy Advisor, Johns Hopkins Center for Gun Violence Solutions
—Aryan Showers, Director, Office of Policy and Accountability, Department of Health (DOH)
—Rachel Wexler, Acting Bureau Chief, Injury and Behavioral Epidemiology Bureau, DOH
—Bill Foote, Forensic Psychologist, University of New Mexico
—Lieutenant Ryan Nelson, Narcotics Section, Albuquerque Police Department (APD)
—Deputy Commander Jason Janopoulos, Special Investigations Section, APD
- 4:00 p.m. (7) [Proposed Legislation to Combat Gun Violence in New Mexico](#)
—Representative Pamela Herndon
—Representative Dayan Hochman-Vigil
—Miranda Viscoli, Co-President, New Mexicans to Prevent Gun Violence
—Regina Griego, Survivor Member Lead, New Mexico Chapter, Moms Demand Action

5:00 p.m. **Recess**

Wednesday, July 27

9:00 a.m. **Reconvene**

- 9:05 a.m. (8) **Update on the Corrections Department**
—Gary Maciel, Director, Adult Prisons Division, Corrections Department
- 10:05 a.m. (9) **Review of the Corrections Department's Quarterly Report**
—Ellen Rabin, Fiscal Analyst, LFC
- 11:00 a.m. (10) **Testimony from Family Members of Incarcerated Individuals
Regarding Reported Lack of Meals and Access to Mail**
—Diana Crowson
—TBD
- 12:00 noon **Committee Discussion Regarding Oversight of the Corrections
Department**
- 1:00 p.m. **Adjourn**

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

**July 25-27, 2022
State Capitol, Senate Chamber
Santa Fe**

The second meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on July 25, 2022 at 10:29 a.m. in the Senate Chamber of the State Capitol in Santa Fe.

Present

Sen. Joseph Cervantes, Co-Chair (7/25, 7/26)
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Antonio Maestas
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle (7/26)
Rep. William "Bill" R. Rehm (7/25, 7/26)
Rep. Debra M. Sariñana (7/25, 7/26)
Rep. Christine Trujillo (7/25, 7/26)

Advisory Members

Rep. Christine Chandler
Sen. Katy M. Duhigg (7/26)
Rep. Kelly K. Fajardo (7/25, 7/26)
Sen. Linda M. Lopez (7/27)
Sen. Mimi Stewart (7/26)

Absent

Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Daniel A. Ivey-Soto
Sen. Mark Moores
Sen. Antoinette Sedillo Lopez

Sen. Gregory A. Baca
Rep. Micaela Lara Cadena
Sen. Jacob R. Candelaria
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Roger E. Montoya
Rep. Andrea Romero
Rep. Patricia Roybal Caballero
Sen. Peter Wirth

Guest Legislators

Rep. Stefani Lord (7/26)
Rep. Randall T. Pettigrew (7/25, 7/26)

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

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)
Nancy Martinez, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

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

References to Webcast

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Monday, July 25

Approval of Agenda and Minutes (10:40 a.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the agenda for the meeting as well as the minutes of the June 2, 2022 meeting.

Update from the Legislative Finance Committee (LFC) Regarding Crime and Public Safety Legislation (10:42 a.m.)

Jon Courtney, deputy director for program evaluation, LFC, and Ellen Rabin, fiscal analyst, LFC, provided the committee with a presentation regarding the current state of crime and safety legislation, with a focus on House Bill (HB) 68 (2022). The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=7/25/2022&ItemNumber=1>.

Review and Update Regarding Implementation of HB 68 (2022) and Future Directions (1:42 p.m.)

Marcus Montoya, president, New Mexico District Attorney Association; Celia Perry, manager, Statewide Pretrial Program, Administrative Office of the Courts (AOC); Gilbert Jaramillo, pretrial data analyst, AOC; Kim Chavez Cook, appellate defender, Public Defender Department; Benjamin Baker, deputy secretary and interim director, New Mexico Law Enforcement Academy; and Jason Greenlee, general counsel, Department of Public Safety, provided the committee with information regarding how HB 68 (2022) is being implemented and gave suggestions for future improvements. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=7/25/2022&ItemNumber=2>.

Public Comment (3:46 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The committee recessed at 3:52 p.m.

Tuesday, July 26**Update on National Gun Laws and States' Ability to Regulate Guns (9:18 a.m.)**

Anne Teigen, director, Criminal Justice Program, National Conference of State Legislatures, provided the committee with a presentation regarding current national laws after recent United States Supreme Court decisions, trends in legislation that states are passing and what states can do to regulate guns. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20072522%20Item%203%20NCSL%20Review%2007%20National%20Firearm%20Laws.pdf>.

Summary of *New York State Rifle & Pistol Association, Inc. v. Bruen* (10:20 a.m.)

Brandon Cummings, analyst, Senate Judiciary Committee, provided the committee with a brief summary of a recent United States Supreme Court decision, *New York State Rifle & Pistol Association, Inc. v. Bruen*.

Update on the Effectiveness of Current Gun Violence Initiatives (11:00 a.m.)

Matthew Broom, deputy chief, Department of Public Safety; Sheila Lewis, J.D., extreme risk protection order trainer, New Mexicans to Prevent Gun Violence; Sheriff Glen Hamilton, legislative liaison, New Mexico Sheriffs' Association; and Miranda Viscoli, co-president, New Mexicans to Prevent Gun Violence, provided the committee with information regarding how current gun laws are being used in New Mexico and provided thoughts on future programs.

Public Comment (11:45 a.m.)

A list of individuals making public comment is available in the meeting file.

Addressing Gun Violence in New Mexico (1:37 p.m.)

Ms. Viscoli; Richard Miskimins, M.D., assistant professor of surgery, University of New Mexico Health Sciences Center; Ari Davis, policy advisor, Johns Hopkins Center for Gun Violence Solutions; Aryan Showers, director, Office of Policy and Accountability, Department of Health (DOH); Rachel Wexler, acting bureau chief, Injury and Behavioral Epidemiology Bureau, DOH; Lieutenant Ryan Nelson, Narcotics Section, Albuquerque Police Department (APD); and Deputy Commander Jason Janopoulos, Special Investigations Section, APD, provided the committee with different perspectives on what is currently being done and what can

be done in the future to address gun violence in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=7/25/2022&ItemNumber=6>.

Proposed Legislation to Combat Gun Violence in New Mexico (3:30 p.m.)

Representative Pamela Herndon; Representative Dayan Hochman-Vigil; Ms. Viscoli; and Regina Griego, survivor member lead, New Mexico Chapter, Moms Demand Action, presented two potential bills to combat gun violence, one regarding safe storage of guns and another creating an office of gun violence prevention.

Recess

The committee recessed at 4:52 p.m.

Wednesday, July 27

Update on the Corrections Department (9:23 a.m.)

Gary Maciel, director, Adult Prisons Division, Corrections Department; Chelsea White, deputy warden, Western New Mexico Correctional Facility; Mark Gentry, warden, Northeast New Mexico Correctional Facility; and Wence Asonganyi, health services administrator, Adult Prisons Division, Corrections Department, answered committee members' questions regarding mail service in prisons and meals received by prisoners.

Review of the Corrections Department's Quarterly Report (10:23 a.m.)

Ellen Rabin, fiscal analyst, LFC, provided the committee with a review of LFC's Corrections Department Quarterly Report for fiscal year 2022 Q3. The report can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20072522%20Item%209%20770%20-%20NMCD%20FY22%20Q3%20Report%20Card%20FINAL%2006062022.pdf>.

Testimony from Family Members of Incarcerated Individuals Regarding Reported Lack of Meals and Access to Mail (11:08 a.m.)

Diana Crowson and Barron Jones, senior policy strategists, American Civil Liberties Union of New Mexico, provided the committee with information from incarcerated individuals regarding issues with receiving and sending mail and issues with a lack of meals.

Adjournment

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

Revised: August 24, 2022

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

**August 22-24, 2022
State Capitol, Senate Chamber
Santa Fe**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with drafts of topics for those meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's [web page](#) in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Monday, August 22

- 10:00 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 10:15 a.m. (1) **Bankruptcy Reform**
—Senator Katy M. Duhigg, District 10
—Lindsay Cutler, Attorney, Economic Equity, New Mexico Center on Law
and Poverty (NMCLP)
—William Irvy, Attorney at Law
—TBD
- 12:00 noon **Lunch**
- 1:30 p.m. (2) **Affordable Housing's Connection to Crime**
—Sidney Betancourt, Housing Advocacy Organizer, National Low Income
Housing Coalition
—Maria Griego, Director, Economic Equity, NMCLP
—Rachel Biggs, Chief Strategy Officer, Albuquerque Health Care for the
Homeless, Inc.
- 4:00 p.m. **Public Comment**
- 4:30 p.m. **Recess**

Tuesday, August 23

- 9:30 a.m. (3) **Update from the Department for Therapeutic Justice**
—Robert Mitchell, Senior Statewide Program Manager, Department for Therapeutic Justice, Administrative Office of the Courts (AOC)
—Tamas Zold, Statewide Program Manager, Department for Therapeutic Justice, AOC
—Martin Burkhart, Statewide Program Manager, Department for Therapeutic Justice, AOC
—Deanna Corriz, Statewide Program Manager, Department for Therapeutic Justice, AOC
—Carlos Gonzales, Statewide Program Manager, Department for Therapeutic Justice, AOC
—The Honorable Christine Rodriguez, Judge, Bernalillo County Metropolitan Court
- 12:00 noon **Lunch**
- 1:30 p.m. (4) **Cannabis Equity in New Mexico**
—Emily Kaltenbach, Senior Director, Criminal Legal and Policing Reform, Drug Policy Alliance
—Andrew Vallejos, Director, Alcoholic Beverage Control Division, Regulation and Licensing Department
- 4:00 p.m. **Public Comment**
- 4:30 p.m. **Recess**

Wednesday, August 24

- 10:00 a.m. (5) **Alcohol Issues in New Mexico and the Correlation with Crime**
—Aryan Showers, Director, Office of Policy and Accountability, Department of Health (DOH)
—Garry Kelley, Senior Injury Epidemiologist, Office of Injury Prevention, Epidemiology and Response Division, DOH
—Annaliese Mayette, Alcohol Epidemiologist, Injury and Behavioral Epidemiology Bureau, Epidemiology and Response Division, DOH
—Dr. Kenneth Geter, Acting Deputy Division Director of Programs, Community and Health Systems Epidemiology Bureau, Epidemiology and Response Division, DOH
—Dr. Laura Parajon, Deputy Secretary, and Acting Director, Epidemiology and Response Division, DOH
- 12:00 noon **Lunch**

1:30 p.m. (6) [Addressing Drunk Driving in New Mexico](#)
—Lieutenant Kurtis Ward, State Police Division, Department of Public
Safety
—Robert Padilla, Court Executive Officer, DWI Recovery Court Program,
Bernalillo County Metropolitan Court

3:30 p.m. **Public Comment**

4:00 p.m. **Adjourn**

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

**August 22-24, 2022
State Capitol, Senate Chamber
Santa Fe**

The third meeting of the Courts, Corrections and Justice Committee was called to order by Senator Joseph Cervantes, co-chair, on August 22, 2022 at 10:30 a.m. in the Senate Chamber of the State Capitol in Santa Fe.

Present

Sen. Joseph Cervantes, Co-Chair
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Christine Chandler*
Sen. Katy M. Duhigg*
Sen. Linda M. Lopez*
Rep. Antonio Maestas (8/23, 8/24)
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle (8/23)
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana (8/23, 8/24)
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo (8/23, 8/24)
Sen. Peter Wirth* (8/22)

Advisory Members

Sen. Mimi Stewart (8/22, 8/23)

Absent

Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Daniel A. Ivey-Soto
Sen. Mark Moores

Sen. Gregory A. Baca
Rep. Micaela Lara Cadena
Sen. Jacob R. Candelaria
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Roger E. Montoya
Rep. Andrea Romero
Rep. Patricia Roybal Caballero

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

*Appointed by the speaker of the house of representatives or the president pro tempore of the senate as a voting member for this meeting only.

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)

Nancy Martinez, Research Assistant, LCS

Grecia Duarte, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

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

References to Webcast

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Monday, August 22**Bankruptcy Reform (10:33 a.m.)**

Senator Duhigg; Lindsay Cutler, attorney, Economic Equity, New Mexico Center on Law and Poverty (NMCLP); and William Ivry, attorney at law, discussed the proposed legislation in House Bill 36 (2021) and presented additional information regarding proposed changes to New Mexico bankruptcy law. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/22/2022&ItemNumber=1>.

Approval of Minutes (11:54 a.m.)

Upon a motion duly made and seconded, and without objection, the committee approved the minutes of the July 25-27, 2022 meeting.

Affordable Housing's Connection to Crime (1:36 p.m.)

Sidney Betancourt, housing advocacy organizer, National Low Income Housing Coalition; Maria Griego, director, Economic Equity, NMCLP; and Rachel Biggs, chief strategy officer, Albuquerque Health Care for the Homeless, Inc., presented information and data regarding affordable housing in New Mexico and the association between people who are struggling to afford housing and increased rates of crime and incarceration. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/22/2022&ItemNumber=2>.

Recess

The committee recessed at 3:51 p.m.

Tuesday, August 23

Update from the Department for Therapeutic Justice (9:41 a.m.)

Robert Mitchell, senior statewide program manager, Department for Therapeutic Justice, Administrative Office of the Courts (AOC); Tamas Zold, statewide program manager, Department for Therapeutic Justice, AOC; Martin Burkhart, statewide program manager, Department for Therapeutic Justice, AOC; Deanna Corriz, statewide program manager, Department for Therapeutic Justice, AOC; Carlos Gonzales, statewide program manager, Department for Therapeutic Justice, AOC; the Honorable Christine Rodriguez, judge, Bernalillo County Metropolitan Court; Karen Price-Coberly, graduate, Department for Therapeutic Justice; and Oscar Markman-Lopez, graduate, Department for Therapeutic Justice, provided the committee with an overview of the work of the Department for Therapeutic Justice and the variety of programs offered. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20082222%20Item%203%20FY2022%20DTJ-Treatment%20Court%20Report.pdf>.

Cannabis Equity in New Mexico (1:42 p.m.)

Emily Kaltenbach, senior director, Criminal Legal and Policing Reform, Drug Policy Alliance; Andrew Vallejos, director, Alcoholic Beverage Control Division, Regulation and Licensing Department (RLD); Carolina Barrera, deputy director of policy, Cannabis Control Division, RLD; and Robert Sachs, general counsel, Cannabis Control Division, RLD, provided the committee with information regarding the implementation of recreational cannabis, cannabis licenses and cannabis equity. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/22/2022&ItemNumber=4>.

Public Comment (3:25 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The committee recessed at 3:29 p.m.

Wednesday, August 24

Alcohol Issues in New Mexico and the Correlation with Crime (10:06 a.m.)

Aryan Showers, director, Office of Policy and Accountability, Department of Health (DOH); Garry Kelley, senior injury epidemiologist, Office of Injury Prevention, Epidemiology and Response Division, DOH; Annaliese Mayette, alcohol epidemiologist, Injury and Behavioral Epidemiology Bureau, Epidemiology and Response Division, DOH; Dr. Kenneth Geter, acting

deputy division director of programs, Community and Health Systems Epidemiology Bureau, Epidemiology and Response Division, DOH; Dr. Laura Parajon, deputy secretary and acting director, Epidemiology and Response Division, DOH; and Jessica Rodarte, technical support staff manager, Department of Public Safety, provided the committee with information regarding alcohol use in New Mexico and the correlation of alcohol use with crime. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20082222%20Item%205%20Alcohol%20%20Violence%20Pres.pdf>.

Addressing Drunk Driving in New Mexico (1:40 p.m.)

Lieutenant Kurtis Ward, State Police Division, Department of Public Safety, and Al Valdez, DWI School, Bernalillo County Metropolitan Court, provided the committee with information regarding the DWI School's successes and the issues seen in New Mexico by the New Mexico State Police regarding drunk driving.

Public Comment (3:00 p.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:07 p.m.

Revised: August 30, 2022

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

**September 1, 2022
State Capitol, Room 307
Santa Fe**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with drafts of topics for those meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's [web page](#) in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Thursday, September 1

- 8:30 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 9:00 a.m. (1) **[Update from the New Mexico Sentencing Commission \(NMSC\) on Criminal Code Rewrite and Sentencing Structure](#)**
—Kelly Mitchell, Executive Director, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota
—Angela "Spence" Pacheco, Chair, NMSC
—Douglas Carver, Deputy Director, NMSC
—Keri Thiel, Staff Attorney, NMSC
- 11:45 a.m. **Break**
- 12:00 noon (2) **[Recent Probation Reform Efforts](#)**
—Representative Antonio Maestas
- 12:20 p.m. **Working Lunch**
(3) **[Fines and Fees](#)**
—Douglas Carver, Deputy Director, NMSC
—Monica Ault, New Mexico State Director, Fines and Fees Justice Center
—Kate Bryan, Policy Analyst, Criminal and Civil Justice, National Conference of State Legislatures
—Jason Clack, Director, Court Operations Division, Administrative Office of the Courts (AOC)
—Cynthia Pacheco, Statewide Program Manager, AOC

2:00 p.m. (4) [United States Department of Justice and the Albuquerque Police Department \(APD\) Settlement Agreement Update](#)
—Bob White, Associate Chief Administrative Officer, Office of the Mayor,
City of Albuquerque
—Cori Lowe, Deputy Chief, Accountability Bureau, APD
—Dr. Jessica Hejny, Curriculum Development Manager, APD
—Alfred Mathewson, Attorney, Community Coalition, AMICI Group

3:30 p.m. **Public Comment**

3:45 p.m. **Committee Discussion of the December Agenda**

4:30 p.m. **Adjourn**

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

**September 1, 2022
State Capitol, Room 307
Santa Fe**

The fourth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on September 1, 2022 at 9:12 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Sen. Joseph Cervantes, Co-Chair
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Daniel A. Ivey-Soto
Rep. Antonio Maestas
Sen. Bill B. O'Neill
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo

Advisory Members

Rep. Christine Chandler
Sen. Linda M. Lopez
Rep. Roger E. Montoya
Rep. Patricia Roybal Caballero

Absent

Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Mark Moores
Sen. Cliff R. Pirtle
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana

Sen. Gregory A. Baca
Rep. Micaela Lara Cadena
Sen. Jacob R. Candelaria
Sen. Katy M. Duhigg
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Andrea Romero
Sen. Mimi Stewart
Sen. Peter Wirth

Guest Legislator

Sen. Siah Correa Hemphill

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)
Nancy Martinez, Research Assistant, LCS
Grecia Duarte, Intern, LCS
Christopher Copeland, Staff Attorney, LCS
Martin Fischer, Bill Drafter, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and are 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.

Thursday, September 1

Update from the New Mexico Sentencing Commission (NMSC) on Criminal Code Rewrite and Sentencing Structure (9:15 a.m.)

Kelly Mitchell, executive director, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota; Angela "Spence" Pacheco, chair, NMSC; Douglas Carver, deputy director, NMSC; and Keri Thiel, staff attorney, NMSC, presented information regarding New Mexico's sentencing structure compared to other states and gave an update on the status of the NMSC's work on the Criminal Code rewrite. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/1/2022&ItemNumber=1>.

Recent Probation Reform Efforts (12:24 p.m.)

Representative Maestas provided the committee with a summary of past attempts at probation reform, including the outcome of each bill and potential proposed changes.

Fines and Fees (12:53 p.m.)

Mr. Carver; Monica Ault, New Mexico state director, Fines and Fees Justice Center; Kate Bryan, policy analyst, Criminal and Civil Justice, National Conference of State Legislatures; Jason Clack, director, Court Operations Division, Administrative Office of the Courts (AOC); and Cynthia Pacheco, statewide program manager, AOC, provided an overview of fines and fees laws around the country, information regarding national trends in fines and fees reform and measures taken in prior legislative sessions to address issues with fines and fees in New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20090122%20Item%203%20NMFinesFees.September%202022.FinaltoCommittee.pdf>.

**United States Department of Justice and the Albuquerque Police Department (APD)
Settlement Agreement Update (2:14 p.m.)**

Bob White, associate chief administrative officer, Office of the Mayor, City of Albuquerque; Cori Lowe, deputy chief, Accountability Bureau, APD; Dr. Jessica Hejny, curriculum development manager, APD; Cara Garcia, deputy director, Compliance Division, APD; and Alfred Mathewson, attorney, Community Coalition, AMICI Group, presented an overview of the APD's responsibilities under the settlement agreement; an update regarding the steps taken by the APD to comply with the settlement agreement, including past issues with compliance and steps taken to correct those issues; and the APD's future plans for ensuring full compliance. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20090122%20Item%204%20Law%20Enforcement%20Training.pdf>.

Committee Discussion of the December Agenda (3:38 p.m.)

Adjournment

There being no further business before the committee, the meeting adjourned at 4:04 p.m.

Revised: November 18, 2022

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

**September 28-30, 2022
State Capitol, House Chamber
Santa Fe**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with drafts of topics for those meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's [web page](#) in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Wednesday, September 28

- 9:30 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 10:00 a.m. (1) **[Update from the New Mexico Association of Counties Regarding Recent Reports on Staffing Issues and Recent Inmate Deaths](#)**
—Grace Philips, General Counsel, New Mexico Association of Counties
—TBD
- 12:00 noon **Lunch**
- 1:30 p.m. (2) **[Update from the Children, Youth and Families Department \(CYFD\) Regarding Recent Changes and Response to Child Deaths](#)**
—Barbara Vigil, Secretary, CYFD
—Eric Chenier, Principal Analyst, Legislative Finance Committee (LFC)
—Nathan Eckberg, Program Evaluator, LFC
- 4:00 p.m. **Public Comment**
- 4:30 p.m. **Recess**

Thursday, September 29

- 9:00 a.m. **Reconvene**

9:05 a.m. (3) [Update from the Administrative Office of the Courts \(AOC\)](#)
—The Honorable C. Shannon Bacon, Chief Justice, New Mexico Supreme Court
—Artie Pepin, Director, AOC

12:00 noon **Lunch**

1:30 p.m. (4) [Update from the Public Defender Department \(PDD\) and the New Mexico District Attorney Association \(NMDAA\) Regarding the State of Crime in New Mexico and National Public Defender Staffing Issues](#)
—Marcus Montoya, President, NMDAA
—Henry Valdez, Director, NMDAA
—Thomas J. Clear III, Chair, Public Defender Commission
—Bennett J. Baur, Chief Public Defender, PDD
—Steve Hanlon, Principal, Lawyer Hanlon; National Expert on Public Defender Workloads

4:45 p.m. **Public Comment**

5:00 p.m. **Recess**

Friday, September 30

9:30 a.m. **Reconvene**

9:35 a.m. (5) [Presentation by Child Protection Ombudsman of Colorado \(CPOC\)](#)
—Jordan Steffen, Deputy Ombudsman, CPOC

12:00 noon **Lunch**

1:30 p.m. (6) [Corrections Overview](#)
—Alisha Tafoya Lucero, Secretary, Corrections Department (NMCD)
—Morgen Jaco, Director, Reentry Division, NMCD
—David Gonzales, Deputy Director, Corrections Industries Division, NMCD
—Melanie Martinez, Director, Adult Probation and Parole Division, NMCD
—Haven Scogin, Community Corrections Administrator, Adult Probation and Parole Division, NMCD
—Carissa McGee, Program Specialist, Peer Education Project, Project ECHO, University of New Mexico Health Sciences Center

4:30 p.m. **Public Comment**

5:00 p.m. **Adjourn**

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

**September 28-30, 2022
State Capitol, House Chamber
Santa Fe**

The fifth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on September 28, 2022 at 9:51 a.m. in the House Chamber of the State Capitol in Santa Fe.

Present

Sen. Joseph Cervantes, Co-Chair
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Linda Garcia Benavides
Rep. Antonio Maestas (9/28, 9/29)
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle (9/29, 9/30)
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana
Rep. Christine Trujillo

Absent

Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Daniel A. Ivey-Soto
Sen. Mark Moores
Sen. Antoinette Sedillo Lopez

Advisory Members

Sen. Gregory A. Baca (9/29)
Rep. Christine Chandler (9/28, 9/29)
Sen. Katy M. Duhigg (9/28, 9/29)
Rep. Kelly K. Fajardo (9/28, 9/29)
Sen. Linda M. Lopez
Rep. Roger E. Montoya
Sen. Mimi Stewart (9/28, 9/29)
Sen. Peter Wirth (9/28)

Rep. Micaela Lara Cadena
Sen. Jacob R. Candelaria
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Andrea Romero
Rep. Patricia Roybal Caballero

Guest Legislator

Sen. Siah Correa Hemphill (9/29, 9/30)

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

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)
Christopher Copeland, Staff Attorney, LCS
Nancy Martinez, Research Assistant, LCS
Hexuan Li, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and are 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, September 28

Update from the New Mexico Association of Counties Regarding Recent Reports on Staffing Issues and Recent Inmate Deaths (10:11 a.m.)

Grace Philips, general counsel, New Mexico Association of Counties, presented information regarding staffing, detention booking numbers, available beds and county jail costs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20092822%20Item%201%20County%20Detention%20Facility%20Report.pdf>.

Update from the Children, Youth and Families Department (CYFD) Regarding Recent Changes and Response to Child Deaths (1:36 p.m.)

Barbara Vigil, secretary, CYFD, presented an update regarding changes recently implemented, staffing and retention issues, focuses of the CYFD this year and ways to improve the department. Eric Chenier, principal analyst, Legislative Finance Committee (LFC), and Nathan Eckberg, program evaluator, LFC, presented the CYFD's fourth quarter report card and discussed issues surrounding repeated child maltreatment and evidence-based options to address child maltreatment. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/28/2022&ItemNumber=2>.

Public Comment (3:46 p.m.)

A list of individuals making public comment is available in the meeting file.

Approval of Minutes (3:58 p.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the August 22-24, 2022 and September 1, 2022 meetings.

Recess

The meeting recessed at 3:59 p.m.

Thursday, September 29

Update from the Administrative Office of the Courts (AOC) (9:39 a.m.)

The Honorable C. Shannon Bacon, chief justice, New Mexico Supreme Court, and Artie Pepin, director, AOC, presented the court's legislative priorities, changes to magistrate court judge qualifications, judicial compensation, expungement, the court's budget and a review of recent successes by the courts.

Update from the Public Defender Department (PDD) and the New Mexico District Attorney Association (NMDAA) Regarding the State of Crime in New Mexico and National Public Defender Staffing Issues (1:45 p.m.)

Marcus Montoya, president, NMDAA; Henry Valdez, director, NMDAA; Thomas J. Clear III, chair, Public Defender Commission; Bennett J. Baur, chief public defender, PDD; and Steve Hanlon, principal, Lawyer Hanlon, and national expert on public defender workloads, presented a review of a recent study regarding understaffing of public defender offices nationwide and in New Mexico, a five-year plan to reduce representation deficiency in the state, district attorneys' staffing issues, budget requests and a review of crime in the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/28/2022&ItemNumber=4>.

Public Comment (4:38 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 4:42 p.m.

Friday, September 30

Presentation by Child Protection Ombudsman of Colorado (CPOC) (10:02 a.m.)

Jordan Steffen, deputy ombudsman, CPOC, presented an overview of the Colorado child protection ombud system, including how the office works and how the statute was structured, and he answered questions regarding the office. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/28/2022&ItemNumber=5>.

Corrections Overview (1:44 p.m.)

Alisha Tafoya Lucero, secretary, Corrections Department (NMCD); Morgen Jaco, director, Reentry Division, NMCD; David Gonzales, deputy director, Corrections Industries

Division, NMCD; Melanie Martinez, director, Adult Probation and Parole Division, NMCD; Haven Scogin, community corrections administrator, Adult Probation and Parole Division, NMCD; and Carissa McGee, program specialist, Peer Education Project, Project ECHO, University of New Mexico Health Sciences Center, provided information regarding the NMCD's merging of private prisons with the state prison system, reentry collaboration, parole programs, housing support and work that is being done to lower recidivism rates. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/28/2022&ItemNumber=6>.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:44 p.m.

Revised: October 17, 2022

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

**October 17-19, 2022
Pete McDavid Lounge
University Arena - The Pit
University of New Mexico
1111 University Boulevard SE
Albuquerque**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with drafts of topics for those meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's [web page](#) in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Monday, October 17

- 9:30 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 9:45 a.m. **Welcome from the University of New Mexico**
—Eddie Nunez, Vice President and Director of Athletics, University of New Mexico
- 10:00 a.m. (1) [American Civil Liberties Union \(ACLU\) Presentation on Report of Inmate Fight](#)
—Barron Jones, Senior Policy Strategist, ACLU of New Mexico
- 12:00 noon **Lunch**
- 1:00 p.m. (2) [Albuquerque Violence Intervention Program Update](#)
—Mariela Ruiz-Angel, Director, Albuquerque Community Safety, City of Albuquerque
- 2:45 p.m. (3) [Ideas to Address Gun Violence](#)
—Representative Marian Matthews
- 4:00 p.m. **Public Comment**
- 4:30 p.m. **Recess**

Tuesday, October 18

9:30 a.m. **Reconvene**

9:35 a.m. (4) **Regional Water Systems**
—Senator Peter Wirth
—Representative Susan K. Herrera
—Ramon Lucero, Rural Community Assistance Corporation (RCAC)
—Rick Martinez, Consultant, RCAC

12:00 noon **Lunch**

1:00 p.m. (5) **Update from the Attorney General**
—Hector Balderas, Attorney General, Office of the Attorney General
—Anne Kelly, Chief Deputy Attorney General of Criminal Affairs, Office
of the Attorney General

4:45 p.m. **Public Comment**

5:00 p.m. **Recess**

Wednesday, October 19

9:30 a.m. **Reconvene**

9:35 a.m. (6) **State Bar of New Mexico Equity and Inclusion Office**
—Amanda Parker, Ph.D., Director, Equity in Justice Program, State Bar of
New Mexico

11:30 a.m. **Public Comment**

12:00 noon **Adjourn**

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

**October 17-19, 2022
Pete McDavid Lounge
University Arena - The Pit
University of New Mexico
1111 University Boulevard SE
Albuquerque**

The sixth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on October 17, 2022 at 9:48 a.m. in the Pete McDavid Lounge at The Pit in Albuquerque.

Present

Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Linda Garcia Benavides
Sen. Daniel A. Ivey-Soto (10/18)
Sen. Linda M. Lopez*
Sen. Bill B. O'Neill
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana (10/17, 10/18)
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo

Advisory Members

Rep. Kelly K. Fajardo (10/19)
Rep. Patricia Roybal Caballero (10/17, 10/18)
Sen. Peter Wirth (10/18)

Absent

Sen. Joseph Cervantes, Co-Chair
Rep. Karen C. Bash
Rep. Zachary J. Cook
Rep. Antonio Maestas
Sen. Mark Moores
Sen. Cliff R. Pirtle

Sen. Gregory A. Baca
Rep. Micaela Lara Cadena
Sen. Jacob R. Candelaria
Rep. Christine Chandler
Sen. Katy M. Duhigg
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Roger E. Montoya
Rep. Andrea Romero
Sen. Mimi Stewart

Guest Legislator

Rep. Susan K. Herrera (10/18)

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

*Appointed by the president pro tempore of the senate as a voting member for this meeting only.

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)

Christopher Copeland, Staff Attorney, LCS

Nancy Martinez, Research Assistant, LCS

Grecia Duarte, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

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

References to Webcast

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Monday, October 17

American Civil Liberties Union (ACLU) Presentation on Report of Inmate Fight (10:03 a.m.)

Barron Jones, senior policy analyst, ACLU of New Mexico, and Matthew Coyte, attorney, Coyte Law, P.C., presented a video obtained and produced by the ACLU showing an inmate fight in a New Mexico prison. The committee discussed the video and various ways an independent oversight of the Corrections Department may be established. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20101722%20Item%201%20Video%20Presentation%20Link.pdf>.

Albuquerque Violence Intervention Program (VIP) Update (1:03 p.m.)

Mariela Ruiz-Angel, director, Albuquerque Community Safety, City of Albuquerque; Dr. Elizabeth Silva, division manager, VIP; and Angel Garcia, program manager, Social Services, VIP, provided an overview of the VIP, including information regarding how the VIP assists the community, a pilot program at West Mesa High School and how the program hopes to grow. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20101722%20Item%202%20VIP%20CCJ%20Presentation%20.pdf>.

Approval of Minutes (2:47 p.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the September 28-30, 2022 meeting.

Ideas to Address Gun Violence (2:48 p.m.)

Representative Marian Matthews led a discussion addressing gun violence, including a review of intimate partner deaths and a review of who can possess firearms or ammunition without violating a citizen's second amendment right. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/17/2022&ItemNumber=3>.

Recess

The committee recessed at 3:21 p.m.

Tuesday, October 18**Regional Water Systems (9:40 a.m.)**

Senator Wirth; Representative Herrera; Ramon Lucero, Rural Community Assistance Corporation (RCAC); and Rick Martinez, consultant, RCAC, presented the committee with a past bill draft and a new working bill draft regarding the creation of the Lower Rio Grande Public Water Works Authority. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/17/2022&ItemNumber=4>.

Public Comment (11:43 p.m.)

A list of individuals making public comment is available in the meeting file.

Update from the Attorney General (1:01 p.m.)

Hector Balderas, attorney general, Office of the Attorney General; Collin Brennan, director, Special Prosecutions Division, Office of the Attorney General; and Joseph Martinez, deputy director, Medicaid Fraud Control, Office of the Attorney General, presented an overview of the Office of the Attorney General, including information regarding organized retail crime, officer-involved shootings, Medicaid fraud and various other crime-related issues and potential legislation to be proposed.

Recess

The committee recessed at 3:36 p.m.

Wednesday, October 19

State Bar of New Mexico Equity and Inclusion Office (9:42 a.m.)

Amanda Parker, Ph.D., director, Equity in Justice Program, State Bar of New Mexico, presented an overview of the State Bar's Equity in Justice Program, including data regarding employment, bar passage rates and programs to diversify the legal field.

Adjournment

There being no further business before the committee, the meeting adjourned at 11:29 a.m.

Revised: November 22, 2022

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

**November 21-22, 2022
State Capitol, Senate Chamber
Santa Fe**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with a draft of topics for the meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's [web page](#) in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Monday, November 21

- 9:30 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 10:00 a.m. (1) **Modernization of the State Legislature**
—Rose Rohrer, Research Scientist, Bureau of Business and Economic
Research, University of New Mexico
- 11:00 a.m. **Public Comment on Modernization of the State Legislature**
- 11:15 a.m. (2) **House Memorial 35 (2022) — Law Enforcement Retention**
—W. Troy Weisler, Deputy Chief, New Mexico State Police
- 12:30 p.m. **Lunch**
- 1:30 p.m. (3) **Kevin S. Settlement Update**
—Bryce Pittenger, Chief Executive Officer (CEO), Interagency Behavioral
Health Purchasing Collaborative, Human Services Department (HSD),
Kevin S. Appendix A Lead
—Emily Martin, Director, Protective Services Division, Children, Youth
and Families Department (CYFD), *Kevin S.* Appendix B Lead
—Beth Gillia, Deputy Secretary, CYFD, *Kevin S.* Appendix C Lead
—Angela Medrano, Deputy Secretary, HSD, *Kevin S.* Appendix D Lead
—Gary D. Housepian, CEO, Disability Rights New Mexico
—Bette Fleishman, Executive Director, Pegasus Legal Services for Children
—Tara Ford, Senior Counsel, Public Counsel

4:30 p.m. **Public Comment**

5:00 p.m. **Recess**

Tuesday, November 22

9:00 a.m. **Reconvene**

9:05 a.m. (4) **Bills Considered for Endorsement**
—Rachel Feldman, Chair, Civil Rights and Law Enforcement Reform
Committee, Indivisible SOS
—TBD, Department of Public Safety
—Law Enforcement: Strengthening Law Enforcement Profession

9:30 a.m. (5) **Bills Considered for Endorsement: Administrative Office of the Courts
(AOC)**
—Celina Jones, General Counsel, AOC
—Artie Pepin, Director, AOC
—The Honorable C. Shannon Bacon, Chief Justice, New Mexico Supreme
Court
—Courts: Judicial Salary Increase (.223470.1SA)
—Courts: Exempt Security System Information From Inspection of Public
Records Act Requests (.223475.1SA)
—Courts: Move Judicial Education Services Division to AOC
(.223473.2SA)
—Courts: Expanding Magistrate Jurisdiction (.223471.1SA)
—Courts: Automatic Expungement for Cannabis Charges (.223474.1SA)

11:00 a.m. (6) **Bills Considered for Endorsement: New Mexico Sentencing
Commission (NMSC)**
—Douglas Carver, Deputy Director, NMSC
—Corrections: Medical and Geriatric Parole (.223356.2)
—Courts: Adult Fines and Fees (.223125.1SA)
—Courts: Traffic Code Changes (.223126.1SA)
—Corrections: New Mexico Sentencing Commission Data Collection
Changes (.223408.1SA)
—Crime: Crime Reduction Grant (.223127.1SA)

12:30 p.m. **Lunch**

1:30 p.m. (7) **Bills Considered for Endorsement: Legislators**
—Corrections: Medical and Geriatric Parole (.223356.2)
—PERA Compensation (.223248.2)
—Criminal Financial Exploitation (.223136.2)
—Civil Financial Exploitation (.223193.2)
—Organized Retail Crime (.222998.1)
—Bail Reform Constitutional Amendment (.223002.1)
—Rebuttable Presumption for Pretrial Detention (.222862.1)

3:45 p.m.

Public Comment

4:00 p.m.

Adjourn

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

**November 21-22, 2022
State Capitol, Senate Chamber
Santa Fe**

The seventh meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on November 21, 2022 at 9:48 a.m. in the Senate Chamber of the State Capitol in Santa Fe.

Present

Sen. Joseph Cervantes, Co-Chair (11/22)
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Linda Garcia Benavides
Sen. Katy M. Duhigg* (11/21)
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle (11/21)
Rep. William "Bill" R. Rehm
Rep. Debra M. Sariñana (11/21)
Sen. Antoinette Sedillo Lopez
Rep. Christine Trujillo

Absent

Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Daniel A. Ivey-Soto
Sen. Mark Moores

Advisory Members

Rep. Micaela Lara Cadena (11/21)
Rep. Christine Chandler
Sen. Linda M. Lopez (11/21)
Sen. Antonio Maestas (11/22)
Rep. Andrea Romero
Sen. Mimi Stewart (11/21)

Sen. Gregory A. Baca
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Roger E. Montoya
Rep. Patricia Roybal Caballero
Sen. Peter Wirth

Guest Legislators

Rep. Joy Garratt (11/21)
Sen. Michael Padilla (11/22)

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

*Appointed by the president pro tempore of the senate as a voting member for this meeting only.

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)

Christopher Copeland, Staff Attorney, LCS

Nancy Martinez, Research Assistant, LCS

Grecia Duarte, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and are 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.

Monday, November 21**Modernization of the State Legislature (9:54 a.m.)**

Rose Rohrer, research scientist, Bureau of Business and Economic Research, University of New Mexico, presented an overview of the work completed so far to review possibilities for modernizing the state legislature. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20112122%20Item%201%20BBER%20LM%20Presentation.pdf>.

House Memorial 35 (2022) — Law Enforcement Retention (12:11 p.m.)

W. Troy Weisler, deputy chief, New Mexico State Police, presented a report regarding the recommendations that the House Memorial 35 group has developed. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20112122%20Item%202%20HM%2035%20Report.pdf>.

Kevin S. Settlement Update (1:45 p.m.)

Barbara Vigil, secretary, Children, Youth and Families Department (CYFD); Bryce Pittenger, chief executive officer (CEO), Interagency Behavioral Health Purchasing Collaborative, Human Services Department (HSD), *Kevin S.* Appendix A Lead; Emily Martin, director, Protective Services Division, CYFD, *Kevin S.* Appendix B Lead; Beth Gillia, deputy secretary, CYFD, *Kevin S.* Appendix C Lead; Angela Medrano, deputy secretary, HSD, *Kevin S.* Appendix D Lead; Gary D. Housepian, CEO, Disability Rights New Mexico; Bette Fleishman, executive director, Pegasus Legal Services for Children; and Tara Ford, senior counsel, Public

Counsel, presented an update regarding the commitments and progress made in the *Kevin S.* settlement. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/21/2022&ItemNumber=3>.

Recess

The committee recessed at 5:07 p.m.

Tuesday, November 22

Bills Considered for Endorsement (9:25 a.m.)

Committee members discussed legislation for endorsement. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/21/2022&ItemNumber=4>;

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/21/2022&ItemNumber=5>;

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/21/2022&ItemNumber=6>; and

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/21/2022&ItemNumber=7>.

Approval of Minutes (11:51 a.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the October 17-19, 2022 meeting.

Adjournment

There being no further business before the committee, the meeting adjourned at 2:29 p.m.

Revised: December 6, 2022

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

**December 7-8, 2022
Continuing Education Building, Room D
University of New Mexico
1634 University Boulevard NE
Albuquerque**

Legislative Council Service (LCS) staff will announce meeting times and locations, along with a draft of topics for the meetings. For all issues, the LCS will notify the public that they may submit written remarks that will be made public on the committee's web page in the interest of time. Public comments will be limited to three minutes per individual and will be scheduled for no more than 30 minutes at a time.

Wednesday, December 7

- 9:30 a.m. **Call to Order and Introductions**
—Senator Joseph Cervantes, Co-Chair
—Representative Gail Chasey, Co-Chair
- 10:00 a.m. (1) **Corrections Oversight**
—Barron Jones, Senior Policy Strategist, American Civil Liberties Union of
New Mexico (ACLU-NM)
—Representative Micaela Lara Cadena
- 12:00 noon **Lunch**
- 1:00 p.m. (2) **Solitary Confinement**
—Barron Jones, Senior Policy Strategist, ACLU-NM
- 2:30 p.m. (3) **Proposed Changes to the Felony Sentencing Structure**
—Douglas Carver, Deputy Director, New Mexico Sentencing Commission
(NMSC)
—Kim Chavez Cook, Appellate Defender, Public Defender Department
—Angela Pacheco, Chair, NMSC Reform Committee
- 4:00 p.m. (4) **Corrections Oversight Staff Review**
—Hugh Dangler, Corrections Oversight Consultant, Courts, Corrections and
Justice Committee
- 4:30 p.m. **Public Comment**

5:00 p.m. **Recess**

Thursday, December 8

9:30 a.m. **Reconvene**

9:35 a.m. (5) **Senate Memorial 6 (2022) and House Memorial 11 (2022) Task Force**
—Celeste Gander, Policy Specialist, Crime and Justice Institute (CJI)
—Jessie Halladay, Senior Policy Analyst, CJI
—Grace Philips, General Counsel, New Mexico Counties
—Scott Patterson, Statewide Behavioral Health Manager, Administrative
 Office of the Courts
—Linda Freeman, Executive Director, NMSC
—Justin Porter, Detention Administrator, Detention Center, Chaves County
—Chris Brice, County Manager, Luna County
—Alisha Tafoya Lucero, Secretary, Corrections Department

12:00 noon **Welcome Remarks**
—Camille Carey, Dean, University of New Mexico School of Law

12:15 p.m. **Lunch**

1:00 p.m. (6) **Probation and Parole Reform**
—Jenna Bottler, Deputy Director, Justice Action Network

3:45 p.m. **Public Comment**

4:00 p.m. **Adjourn**

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

**December 7-8, 2022
Continuing Education Building, Room D
University of New Mexico
1634 University Boulevard NE
Albuquerque**

The eighth meeting of the Courts, Corrections and Justice Committee was called to order by Senator Antonio Maestas on December 7, 2022 at 9:54 a.m. in Room D of the Continuing Education Building at the University of New Mexico in Albuquerque.

Present

Sen. Joseph Cervantes, Co-Chair (12/8)
Rep. Gail Chasey, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Linda Garcia Benavides
Rep. Christine Chandler*
Sen. Daniel A. Ivey-Soto
Sen. Bill B. O'Neill (12/8)
Rep. Debra M. Sariñana
Sen. Antoinette Sedillo Lopez

Advisory Members

Sen. Gregory A. Baca
Rep. Micaela Lara Cadena (via Zoom) (12/7)
Sen. Linda M. Lopez
Sen. Antonio Maestas
Rep. Patricia Roybal Caballero

Absent

Rep. Karen C. Bash
Rep. Zachary J. Cook
Sen. Mark Moores
Sen. Cliff R. Pirtle
Rep. William "Bill" R. Rehm
Rep. Christine Trujillo

Sen. Katy M. Duhigg
Rep. Kelly K. Fajardo
Rep. Doreen Y. Gallegos
Rep. T. Ryan Lane
Rep. Georgene Louis
Rep. Roger E. Montoya
Rep. Andrea Romero
Sen. Mimi Stewart
Sen. Peter Wirth

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

*Appointed by the speaker of the house of representatives as a voting member for this meeting only.

Staff

Sean Dolan, Staff Attorney, Legislative Council Service (LCS)

Christopher Copeland, Staff Attorney, LCS

Nancy Martinez, Research Assistant, LCS

Grecia Duarte, Intern, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and are 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, December 7

Corrections Oversight (10:00 a.m.)

Barron Jones, senior policy strategist, American Civil Liberties Union of New Mexico, and Representative Cadena presented information regarding the need for independent oversight and potential avenues for legislation to address that need. The presentation can be found here:

[https://www.nmlegis.gov/handouts/CCJ%20120722%20Item%201%20NM%20Independent%20Oversight%20\(Ombudsman\).pdf](https://www.nmlegis.gov/handouts/CCJ%20120722%20Item%201%20NM%20Independent%20Oversight%20(Ombudsman).pdf).

Solitary Confinement (1:09 p.m.)

Mr. Jones led a discussion regarding potential changes to what is referred to as restrictive housing.

Proposed Changes to Felony Sentencing Structure (2:36 p.m.)

Douglas Carver, deputy director, New Mexico Sentencing Commission (NMSC); Kim Chavez Cook, appellate defender, Public Defender Department; and Angela Pacheco, chair, NMSC Reform Committee, presented the information gathered so far by the NMSC's working group evaluating the Criminal Code and sentencing structure. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/7/2022&ItemNumber=3>.

Corrections Oversight Staff Review (4:02 p.m.)

Hugh Dangler, corrections oversight consultant, Courts, Corrections and Justice Committee, provided his thoughts regarding the progress of his work so far, as well as potential changes that may be proposed. The presentation materials may be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/7/2022&ItemNumber=4>.

Recess

The meeting recessed at 4:38 p.m.

Thursday, December 8

Senate Memorial 6 (2022) and House Memorial 11 (2022) Task Force (9:51 a.m.)

Celeste Gander, policy specialist, Crime and Justice Institute (CJI); Jessie Halladay, senior policy analyst, CJI; Grace Philips, general counsel, New Mexico Counties; Scott Patterson, statewide behavioral health manager, Administrative Office of the Courts; Linda Freeman, executive director, NMSC; Justin Porter, detention administrator, Detention Center, Chaves County; Chris Brice, county manager, Luna County; and Alisha Tafoya Lucero, secretary, Corrections Department, presented an overview of the report compiled by the task force, including recommendations for statutory and budgetary changes. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/7/2022&ItemNumber=5>.

Approval of Minutes (11:27 a.m.)

Upon a motion duly made and seconded, and without any objections, the committee approved the minutes of the November 21-22, 2022 meeting.

Welcome Remarks (12:35 p.m.)

Camille Carey, dean, University of New Mexico School of Law, gave an overview of the School of Law and recent changes in faculty, programming and scholarships.

Probation and Parole Reform (1:20 p.m.)

Jenna Bottler, deputy director, Justice Action Network, provided the committee with national and local statistics regarding probation and parole, factors leading to probation and parole violations and potential reforms. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20120722%20Item%206%20NM%20P%20and%20P%20Hearing.pdf>.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:04 p.m.

ENDORSED LEGISLATION

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_____ BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; PROVIDING FLEXIBILITY AND CHANGING
REQUIREMENTS FOR PAYMENT OF FINES, FEES AND COSTS ASSOCIATED
WITH CONVICTION; EXPANDING COMMUNITY SERVICE OPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-12-3 NMSA 1978 (being Laws 1971,
Chapter 236, Section 1, as amended) is amended to read:

"31-12-3. PAYING FINES, FEES OR COSTS IN INSTALLMENTS--
COMMUNITY SERVICE OPTION.--

A. ~~[Any]~~ In a criminal proceeding, the court shall
assess a person's ability to pay any fine, fee or cost at the
time of sentencing. A person sentenced to pay a fine or to pay
fees and costs in any criminal proceeding against ~~[him]~~ the
person, either in addition to or without a term of
imprisonment, ~~[may in the discretion of the court]~~ shall be

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1 allowed to pay such fine, fees or costs in installments [~~of~~
2 ~~such amounts, at such times and upon such conditions as the~~
3 ~~court may fix~~]. If the person is able to pay the full amount
4 at the time of sentencing, the court shall require the person
5 to do so. Installments shall be in thirty-day increments, and
6 each installment shall not exceed two percent of a person's
7 self-reported monthly net income or ten dollars (\$10.00),
8 whichever is greater. Nothing in this section shall limit a
9 person's ability to reduce the total amount owed by making
10 optional payments in addition to those required by the court in
11 an installment agreement.

12 B. The defendant may also be required to serve a
13 period of time in labor to be known as "community service" in
14 lieu of all or part of the fine. If unable to pay the fees or
15 costs, [~~he~~] the defendant may be granted permission to perform
16 community service in lieu of them as well. The labor shall be
17 meaningful, shall not be suspended or deferred and shall be of
18 a type that benefits the public at large or any public,
19 charitable or educational entity or institution, including job
20 training, school attendance or participation in social service
21 or rehabilitation programs, and is consistent with Article 9,
22 Section 14 of the constitution of New Mexico. Any person
23 performing community service pursuant to court order shall be
24 immune from civil liability arising out of the community
25 service other than for gross negligence, shall not be entitled

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1 to wages or considered an employee for any purpose and shall
2 not be entitled to workers' compensation, unemployment or any
3 other benefits otherwise provided by law. Instead, a person
4 who performs community service shall receive credit toward the
5 fine, fees or costs at twice the rate of the prevailing
6 federal, state, county or municipal hourly minimum wage [~~Unless~~
7 ~~otherwise provided, however, the total fine, fees and costs~~
8 ~~shall be payable forthwith~~] where the court is located at the
9 time of adjudication, whichever is highest.

10 [B-] C. The court may [~~at any time~~] revise, modify,
11 reduce or enlarge the amount of the installment or the time and
12 conditions fixed for payment of it after the court conducts an
13 additional ability to pay assessment.

14 [G-] D. When a defendant sentenced to pay a fine in
15 installments or ordered to pay fees or costs defaults in
16 payment, the court, upon motion of the prosecutor or upon its
17 own motion, may require the defendant to show cause why [~~his~~]
18 the defendant's default should not be treated as contumacious
19 and may issue a summons or a warrant of arrest for [~~his~~] the
20 defendant's appearance. It shall be a defense that the
21 defendant did not willfully refuse to obey the order of the
22 court or that [~~he~~] the defendant made a good faith effort to
23 obtain the funds required for the payment. If the defendant's
24 default was contumacious, the court may order [~~him~~] the
25 defendant committed until the fine or a specified part of it or

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1 the fees or costs are paid. A defendant who is ordered to a
2 period of confinement under this subsection shall receive
3 credit toward the fine, fees or costs at twenty-four times the
4 rate of the prevailing federal, state, county or municipal
5 hourly minimum wage, whichever is highest, for each day or
6 portion of a day of incarceration. A defendant shall receive
7 credit at the same rate for all pre-sentence confinement
8 served. The maximum term of imprisonment for such contumacious
9 nonpayment shall be specified in the order of commitment.

10 ~~[D-]~~ E. If it appears that a defendant's default in
11 the payment of a fine, fees or costs is not contumacious, the
12 court may allow the defendant additional time for payment,
13 reduce the amount of the fine or of each installment, revoke
14 the fine or the unpaid portion in whole or in part or require
15 the defendant to perform community service in lieu of the fine,
16 fees or costs."

17 **SECTION 2.** Section 31-16-2 NMSA 1978 (being Laws 1968,
18 Chapter 69, Section 59, as amended) is amended to read:

19 "31-16-2. DEFINITIONS.--As used in the Indigent Defense
20 Act:

21 A. "costs" means:

22 (1) the costs associated with representation
23 in a trial, including the cost of an attorney and the costs of
24 depositions, experts, exhibits or other trial costs; and

25 (2) the costs or fees imposed by the court

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1 pursuant to statute resulting from a conviction or the issuance
2 of a bench warrant;

3 [A.] B. "detain" means to have in custody or
4 otherwise deprive of freedom of action;

5 [B.] C. "expenses", when used with reference to
6 representation, includes the expenses of investigation, other
7 preparation and trial;

8 [C.] D. "needy person" means a person who, at the
9 time [his] the person's need is determined by the court, is
10 unable, without undue hardship, to provide for all or a part of
11 the expenses of legal representation from available present
12 income and assets; and

13 [D.] E. "serious crime" includes a felony and any
14 misdemeanor or offense [which] that carries a possible penalty
15 of confinement for more than six months."

16 **SECTION 3.** Section 33-2-40 NMSA 1978 (being Laws 1913,
17 Chapter 50, Section 2, as amended) is amended to read:

18 "33-2-40. FINES AND COSTS--SERVICE FOR.--[~~Sec. 68.~~] All
19 convicts sentenced to the [state] penitentiary of New Mexico
20 who have a fine or costs or both attached to [~~such~~] the
21 sentence shall not be required to serve more than [~~thirty~~]
22 fifteen days for [~~such~~] the fine or costs."

23 **SECTION 4.** Section 33-3-11 NMSA 1978 (being Laws 1889,
24 Chapter 9, Section 1, as amended) is amended to read:

25 "33-3-11. JAIL FOR NONPAYMENT OF FINE.--

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1 A. Whenever any person is committed to jail for
2 nonpayment of any fine or costs or both, [~~he~~] the person shall
3 be credited with [~~eight~~] twenty-four times the federal, state,
4 county or municipal hourly minimum wage where the court is
5 located at the time of adjudication a day, whichever is
6 highest, in reduction thereof for each day or portion of a day
7 of incarceration. When the person has remained incarcerated a
8 sufficient length of time to extinguish the fine or cost or
9 both, computed at this rate, or has paid to the sentencing
10 court the amount of the fine or costs or both, remaining after
11 deducting credit allowed by this section and obtaining from the
12 court an order of release from commitment, the officer having
13 the prisoner in custody shall discharge [~~him~~] the prisoner from
14 custody under commitment.

15 B. If the person in custody makes an affidavit that
16 [~~he~~] the person has no property out of which [~~he~~] the person
17 can pay the fine and costs, either or any part, the prisoner
18 shall not be retained in custody longer than [~~sixty~~] fifteen
19 days even though the fine and costs or either exceeds the
20 amount credited toward repayment during those [~~sixty~~] fifteen
21 days. The affidavit shall be delivered to the sheriff or jail
22 administrator as defined in Section 4-44-19 NMSA 1978 having
23 custody of the prisoner."

24 **SECTION 5.** Section 35-6-1 NMSA 1978 (being Laws 1968,
25 Chapter 62, Section 92, as amended) is amended to read:

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1 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
2 "CONVICTED".--
3 A. Magistrate judges, including metropolitan court
4 judges, shall assess and collect [~~and shall not waive, defer or~~
5 ~~suspend~~] the following costs:
6 docket fee, criminal actions under Section 29-5-1 NMSA
7 1978 \$ 1.00;
8 docket fee, to be collected prior to docketing any other
9 criminal action, except as provided in Subsection B
10 of Section 35-6-3 NMSA 1978. 20.00.
11 Proceeds from this docket fee shall be transferred
12 to the administrative office of the courts for
13 deposit in the court facilities fund;
14 docket fee, twenty dollars (\$20.00) of which shall be
15 deposited in the court automation fund and fifteen
16 dollars (\$15.00) of which shall be deposited in the
17 civil legal services fund, to be collected prior to
18 docketing any civil action, except as provided in
19 Subsection A of Section 35-6-3 NMSA 1978 . . 72.00;
20 jury fee, to be collected from the party demanding trial
21 by jury in any civil action at the time the demand
22 is filed or made 25.00;
23 copying fee, for making and certifying copies of any
24 records in the court, for each page copied by
25 photographic process 0.50.

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1 Proceeds from this copying fee shall be transferred
2 to the administrative office of the courts for
3 deposit in the court facilities fund; and
4 copying fee, for computer-generated or electronically
5 transferred copies, per page 1.00.

6 Proceeds from this copying fee shall be transferred
7 to the administrative office of the courts for
8 deposit in the court automation fund.

9 Except as otherwise specifically provided by law, docket
10 fees shall be paid into the court facilities fund.

11 B. Except as otherwise provided by law, no other
12 costs or fees shall be charged or collected in the magistrate
13 or metropolitan court.

14 C. The magistrate or metropolitan court may grant
15 free process to any party in any civil proceeding or special
16 statutory proceeding upon a proper showing of indigency. The
17 magistrate or metropolitan court may deny free process if it
18 finds that the complaint on its face does not state a cause of
19 action.

20 D. As used in this subsection, "convicted" means the
21 defendant has been found guilty of a criminal charge by the
22 magistrate or metropolitan judge, either after trial, a plea of
23 guilty or a plea of nolo contendere. Magistrate judges,
24 including metropolitan court judges, shall assess and collect
25 ~~[and shall not waive, defer or suspend]~~ the following costs

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1 once, for each case resulting in conviction:

2 (1) corrections fee, to be collected upon
3 conviction from persons convicted of violating any provision of
4 the Motor Vehicle Code involving the operation of a motor
5 vehicle, convicted of a crime constituting a misdemeanor or a
6 petty misdemeanor or convicted of violating any ordinance that
7 may be enforced by the imposition of a term of imprisonment as
8 follows:

- 9 in a county with a metropolitan court \$10.00;
- 10 in a county without a metropolitan court 20.00;

11 (2) court automation fee, to be collected upon
12 conviction from persons convicted of violating any provision of
13 the Motor Vehicle Code involving the operation of a motor
14 vehicle, convicted of a crime constituting a misdemeanor or a
15 petty misdemeanor or convicted of violating any ordinance that
16 may be enforced by the imposition of a term of
17 imprisonment. 10.00;

18 (3) traffic safety fee, to be collected upon
19 conviction from persons convicted of violating any provision of
20 the Motor Vehicle Code involving the operation of a motor
21 vehicle 3.00;

22 (4) judicial education fee, to be collected upon
23 conviction from persons convicted of operating a motor vehicle
24 in violation of the Motor Vehicle Code, convicted of a crime
25 constituting a misdemeanor or a petty misdemeanor or convicted

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1 of violating any ordinance punishable by a term of
2 imprisonment. 3.00;

3 (5) jury and witness fee, to be collected upon
4 conviction from persons convicted of operating a motor vehicle
5 in violation of the Motor Vehicle Code, convicted of a crime
6 constituting a misdemeanor or a petty misdemeanor or convicted
7 of violating any ordinance punishable by a term of
8 imprisonment. 5.00;

9 (6) brain injury services fee, to be collected
10 upon conviction from persons convicted of violating any
11 provision of the Motor Vehicle Code involving the operation of
12 a motor vehicle 5.00;
13 and

14 (7) court facilities fee, to be collected upon
15 conviction from persons convicted of violating any provision of
16 the Motor Vehicle Code involving the operation of a motor
17 vehicle, convicted of a crime constituting a misdemeanor or a
18 petty misdemeanor or convicted of violating any ordinance that
19 may be enforced by the imposition of a term of imprisonment as
20 follows:

- 21 in a county with a metropolitan court 24.00;
- 22 in any other county 10.00.

23 E. Metropolitan court judges shall assess and collect
24 [~~and shall not waive, defer or suspend as costs~~] a mediation
25 fee not to exceed five dollars (\$5.00) for the docketing of

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1 small claims and criminal actions specified by metropolitan
2 court rule. Proceeds of the mediation fee shall be deposited
3 into the metropolitan court mediation fund."

4 SECTION 6. Section 35-14-11 NMSA 1978 (being Laws 1983,
5 Chapter 134, Section 6, as amended) is amended to read:

6 "35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--
7 COLLECTION--PURPOSE.--

8 A. Every municipality shall enact an ordinance
9 requiring assessment of corrections fees, judicial education
10 fees and court automation fees to be collected as court costs
11 and used as provided in this section.

12 B. A municipal judge shall assess and collect the
13 following costs once, for each case resulting in conviction:

- 14 (1) a corrections fee of twenty dollars
15 (\$20.00);
- 16 (2) a judicial education fee of three dollars
17 (\$3.00); and
- 18 (3) a court automation fee of six dollars
19 (\$6.00).

20 C. The fees are to be collected upon conviction from
21 persons convicted of violating any ordinance relating to the
22 operation of a motor vehicle or any ordinance that may be
23 enforced by the imposition of a term of imprisonment.

24 D. All money collected pursuant to Paragraph (1) of
25 Subsection B of this section shall be deposited in a special

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1 fund in the municipal treasury and shall be used for:

2 (1) municipal jailer or juvenile detention
3 officer training;

4 (2) the construction planning, construction,
5 operation and maintenance of a municipal jail or juvenile
6 detention facility;

7 (3) paying the cost of housing municipal
8 prisoners in a county jail or detention facility or housing
9 juveniles in a detention facility;

10 (4) complying with match or contribution
11 requirements for the receipt of federal funds relating to jails
12 or juvenile detention facilities;

13 (5) providing inpatient treatment or other
14 substance abuse programs in conjunction with or as an
15 alternative to jail sentencing;

16 (6) defraying the cost of transporting prisoners
17 to jails or juveniles to juvenile detention facilities; or

18 (7) providing electronic monitoring systems.

19 E. If a municipality with a population less than ten
20 thousand according to the most recent federal decennial census
21 has a balance in its special fund pursuant to Subsection D of
22 this section that is over the amount projected to be needed for
23 the next fiscal year for the purposes set forth in that
24 subsection, the municipality may transfer the unneeded balance
25 to the municipality's general fund.

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1 F. A municipality may credit the interest collected
2 from fees deposited in the special fund pursuant to Subsection
3 D of this section to the municipality's general fund.

4 G. All money collected pursuant to Paragraph (2) of
5 Subsection B of this section shall be remitted monthly to the
6 state treasurer for credit to the judicial education fund and
7 shall be used for the education and training, including
8 production of bench books and other written materials, of
9 municipal judges and other municipal court employees.

10 H. All money collected pursuant to Paragraph (3) of
11 Subsection B of this section shall be remitted monthly to the
12 state treasurer for credit to the municipal court automation
13 fund and shall be used for the purchase, maintenance and
14 operation of court automation systems in the municipal courts.
15 Operation includes staff expenses, temporary or otherwise, and
16 costs as needed to comply with Section 35-14-12 NMSA 1978. The
17 court automation systems shall have the capability of
18 providing, on a timely basis, electronic records in a format
19 specified by the judicial information systems council.

20 I. As used in this section, "convicted" means the
21 defendant has been found guilty of a criminal charge by a
22 municipal judge, either after trial, a plea of guilty or a plea
23 of nolo contendere."

24 **SECTION 7.** A new section of Chapter 66, Article 8 NMSA
25 1978 is enacted to read:

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_____ BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO THE CRIME REDUCTION GRANT ACT; ELIMINATING THE
GRANT ADMINISTRATION AGENCY; CREATING THE CRIME REDUCTION GRANT
FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-28-2 NMSA 1978 (being Laws 2019,
Chapter 192, Section 6) is amended to read:

"31-28-2. [~~DEFINITIONS~~] DEFINITION.--As used in the Crime
Reduction Grant Act, [~~A.~~] "commission" means the New Mexico
sentencing commission [~~and~~

~~B. "grant administration agency" means a state
agency that receives appropriations for grants to criminal
justice coordinating council members for the purposes specified
in the Crime Reduction Grant Act]."~~

SECTION 2. Section 31-28-3 NMSA 1978 (being Laws 2019,

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1 Chapter 192, Section 7) is amended to read:

2 "31-28-3. CRIMINAL JUSTICE COORDINATING COUNCILS
3 CREATED--COMPOSITION--DUTIES.--

4 A. A criminal justice coordinating council is
5 created for each judicial district and ~~may~~ shall include
6 representation from within the district for:

- 7 (1) each court in the district;
- 8 (2) the district attorney;
- 9 (3) the district public defender office;
- 10 (4) law enforcement agencies;
- 11 (5) jails;
- 12 ~~[(6) correctional facilities;~~
- 13 ~~(7)]~~ (6) behavioral health programs; ~~[or]~~ and
- 14 ~~[(8)]~~ (7) other agencies and entities agreed
15 upon by the council.

16 B. Each criminal justice coordinating council shall
17 be convened by the chief judge of the district court in the
18 judicial district. The commission shall assist in the
19 organization of the criminal justice coordinating councils.

20 C. Each criminal justice coordinating council shall
21 select a chair at its first meeting. The first meeting of each
22 council shall take place by August 1, 2019, and the council
23 shall subsequently meet at the call of the chair, but not less
24 than ten months per year.

25 D. Each criminal justice coordinating council shall

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1 organize itself and adopt rules in a manner appropriate to
2 accomplish its duties pursuant to the Crime Reduction Grant
3 Act.

4 E. A criminal justice coordinating council shall
5 ~~[to the extent possible]~~ develop a strategic plan to meet the
6 requirements of this section and shall:

7 (1) review the criminal justice system in the
8 judicial district, including judicial processes, law
9 enforcement, community corrections alternatives and sufficiency
10 of jail and detention facilities;

11 (2) identify criminal justice system problems
12 in the judicial district;

13 (3) develop data-driven policies and evidence-
14 based best practices designed to improve public safety
15 outcomes, cost-effective responses to crime and fair and
16 efficient adjudication processes;

17 (4) ~~[apply as necessary to grant~~
18 ~~administration agencies]~~ facilitate applications from its
19 members for crime reduction grants pursuant to the Crime
20 Reduction Grant Act;

21 (5) facilitate sharing of criminal justice
22 information between agencies as permitted by law; and

23 (6) in consultation with the commission,
24 develop data-sharing agreements and methods of data sharing to
25 allow system-wide analysis of criminal justice operations

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1 within the judicial district and throughout the state.

2 F. Executive agencies and the administrative office
3 of the courts shall provide prompt responses to criminal
4 justice coordinating council requests for information."

5 SECTION 3. Section 31-28-4 NMSA 1978 (being Laws 2019,
6 Chapter 192, Section 8, as amended) is amended to read:

7 "31-28-4. APPLICATIONS FOR GRANTS--PURPOSES--
8 CONDITIONS.--

9 A. A member of a criminal justice coordinating
10 council with the consent of the council may apply to [~~a grant~~
11 ~~administration agency~~] the commission for a grant to accomplish
12 any of the enumerated purposes provided in Subsection B of this
13 section.

14 B. Crime reduction grants may be made to:

15 (1) develop, expand and improve evidence-based
16 treatment and supervision alternatives to incarceration;

17 (2) reduce barriers to participation by
18 criminal offenders in preprosecution diversion or specialty
19 court programs;

20 (3) develop or improve pretrial service
21 programs;

22 (4) develop or improve coordination of
23 services between law enforcement agencies and treatment
24 programs;

25 (5) establish law enforcement crisis

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1 intervention teams;

2 (6) coordinate access to programs for
3 transitional or reentry homes for individuals recently released
4 from incarceration;

5 (7) recruit or retain law enforcement
6 officers, prosecutors, public defenders, corrections officers
7 and mental health workers;

8 (8) develop or expand digitized records;

9 (9) develop or expand the ability of a
10 criminal justice coordinating council member to share data
11 with, and access data on, the statewide criminal justice data
12 integration platform;

13 [~~8~~] (10) develop or expand data-driven
14 policing programs and pretrial services;

15 [~~9~~] (11) staff a criminal justice
16 coordinating council; and

17 [~~10~~] (12) purchase equipment or provide
18 training to support any of the purposes provided in this
19 section.

20 C. Crime reduction grants shall be conditioned on
21 the criminal justice coordinating council and the recipient
22 member complying with the following:

23 (1) using not more than five percent of a
24 grant for administrative costs of the recipient;

25 (2) in consultation with the commission,

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1 developing data-sharing agreements and methods of data sharing
2 among criminal justice agencies and with the commission to
3 allow system-wide analysis of criminal justice operations
4 within the judicial district and statewide;

5 (3) using or developing evidence-based best
6 practices for any programs operated with crime reduction
7 grants;

8 (4) developing performance measures in
9 consultation with the commission [~~and the grant administration~~
10 ~~agency~~] relevant to the grantee's application;

11 (5) collecting data to evaluate the
12 effectiveness of programs operated with crime reduction grants;

13 (6) evaluating quarterly the process, outputs,
14 outcomes and other performance measures of programs funded with
15 grants for compliance with all provisions of the Crime
16 Reduction Grant Act;

17 (7) providing a quarterly report to the
18 commission for review and comparison with other programs
19 receiving grants for similar purposes; and

20 (8) providing an annual report to the [~~grant~~
21 ~~administration agency~~] commission by October 1 of each year
22 regarding program outcomes from use of the grant.

23 D. The commission shall assist with the
24 implementation of data-sharing agreements to ensure compliance
25 with crime reduction grants.

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1 ~~[E. Each grant administration agency shall identify~~
2 ~~and require the use or development of evidence-based best~~
3 ~~practices for programs operated with crime reduction grants~~
4 ~~distributed by that grant administration agency.~~

5 ~~F. A grant administration agency]~~ E. The
6 commission may consider any outcome reported to it by a grant
7 recipient from a previous year in making a determination of
8 whether to make subsequent grants or the amount of a subsequent
9 grant."

10 SECTION 4. Section 31-28-5 NMSA 1978 (being Laws 2019,
11 Chapter 192, Section 9) is amended to read:

12 "31-28-5. RULES.--The ~~[New Mexico sentencing]~~ commission
13 ~~[in consultation with each grant administration agency]~~ shall
14 promulgate uniform procedural rules necessary to administer the
15 provisions of the Crime Reduction Grant Act. ~~[Each grant~~
16 ~~administration agency shall adopt the uniform procedures along~~
17 ~~with other grant award criteria unique to the grant~~
18 ~~administration agency.]"~~

19 SECTION 5. Section 31-28-6 NMSA 1978 (being Laws 2019,
20 Chapter 192, Section 10) is amended to read:

21 "31-28-6. REPORTS.--~~[A. Each grant administration~~
22 ~~agency]~~ The commission shall report to the ~~[commission]~~
23 legislature annually by November 1 of each year regarding the:

24 ~~[A.]~~ A. applications for grants made during the
25 previous fiscal year by each criminal justice coordinating

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1 council;

2 [~~(2)~~] B. purpose and amount of each grant approved
3 by the [~~grant administration agency~~] commission for each member
4 for the previous fiscal year; and

5 [~~(3)~~] C. processes, outputs and outcomes resulting
6 from the use of the grant.

7 [~~B. The commission shall report to the legislature~~
8 ~~annually by December 1 of each year regarding the data-sharing~~
9 ~~network, including data derived from crime reduction grant~~
10 ~~data-sharing agreements.]"~~

11 SECTION 6. A new section of the Crime Reduction Grant Act
12 is enacted to read:

13 "[NEW MATERIAL] CRIME REDUCTION GRANT FUND CREATED--
14 PURPOSE.--The "crime reduction grant fund" is created as a
15 nonreverting fund in the state treasury. The fund consists of
16 appropriations, gifts, grants and donations. The commission
17 shall administer the fund, and money in the fund is
18 appropriated to the commission to administer the provisions of
19 the Crime Reduction Grant Act and award crime reduction grants
20 to members of criminal justice coordinating councils to spur
21 local innovation in criminal justice reform, pursuant to the
22 Crime Reduction Grant Act. Expenditures from the fund shall be
23 made on warrant of the secretary of finance and administration
24 pursuant to vouchers signed by the chair of the commission or
25 the chair's authorized representative. The commission may

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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL JUSTICE REFORM; CREATING MEDICAL AND GERIATRIC PAROLE PROCEDURES; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-21-5 NMSA 1978 (being Laws 1978, Chapter 41, Section 1, as amended) is amended to read:

"31-21-5. DEFINITIONS.--As used in the Probation and Parole Act:

A. "probation" means the procedure under which an adult defendant, found guilty of a crime upon verdict or plea, is released by the court without imprisonment under a suspended or deferred sentence and subject to conditions;

B. "parole" means the release to the community of an inmate of an institution by decision of the board or by

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1 operation of law, subject to conditions imposed by the board
2 and to its supervision;

3 C. "institution" means the state penitentiary and
4 any other similar state institution hereinafter created;

5 D. "board" means the parole board;

6 E. "director" means the director of the ~~[field~~
7 ~~services]~~ adult probation and parole division of the
8 corrections department or any employee designated by ~~[him; and]~~
9 the director;

10 F. "adult" means any person convicted of a crime by
11 a district court;

12 G. "geriatric inmate" means a person who:

13 (1) is serving a sentence and is confined in a
14 prison or other correctional institution under the control of
15 the corrections department;

16 (2) is fifty-five years of age or older;

17 (3) suffers from a debilitating and chronic
18 infirmity, illness or disease related to aging; and

19 (4) does not constitute a danger to the
20 person's own self or to society at the time of review;

21 H. "permanently incapacitated inmate" means a
22 person who:

23 (1) is serving a sentence and is confined in a
24 prison or other correctional institution under the control of
25 the corrections department;

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1 (2) by reason of an existing medical condition
2 is permanently and irreversibly physically incapacitated; and

3 (3) does not constitute a danger to the
4 person's own self or to society at the time of review; and

5 I. "terminally ill inmate" means a person who:

6 (1) is serving a sentence and is confined in a
7 prison or other correctional institution under the control of
8 the corrections department;

9 (2) has an incurable condition caused by
10 illness or disease that will, within reasonable medical
11 judgment, produce death within six months; and

12 (3) does not constitute a danger to the
13 person's own self or to society at the time of review."

14 SECTION 2. Section 31-21-17.1 NMSA 1978 (being Laws 1994,
15 Chapter 21, Section 2) is amended to read:

16 "31-21-17.1. ~~[ADMINISTRATION BY]~~ MEDICAL OR GERIATRIC
17 PAROLE--PROCEDURES--DUTIES OF THE CORRECTIONS DEPARTMENT--
18 DUTIES OF THE BOARD.--

19 A. The corrections department shall promulgate
20 rules and implement a medical and geriatric parole program,
21 including the application form for medical or geriatric parole.

22 B. An inmate who is geriatric, permanently
23 incapacitated or terminally ill may seek parole consideration
24 upon written application to the board or consent to submission
25 of an application by and through a family member, attorney or

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1 corrections department care provider. When an inmate is
2 physically or mentally incapable of knowingly and voluntarily
3 consenting to submission of an application due to mental or
4 physical infirmity, a family member, attorney, corrections
5 department care provider or other individual with a power of
6 attorney may submit the application on the inmate's behalf.

7 C. The corrections department shall identify
8 geriatric, permanently incapacitated and terminally ill
9 inmates, notify those inmates of the opportunity to apply for
10 medical or geriatric parole and recommend the release of those
11 inmates who are eligible for [geriatric or] medical or
12 geriatric parole. [based on rules established by the board.
13 ~~The department shall forward an application and documentation~~
14 ~~in support of parole eligibility to the board within thirty~~
15 ~~days of receipt of an application from an inmate. The~~
16 ~~documentation shall include information concerning the inmate's~~
17 ~~age, medical history and prognosis, institutional behavior and~~
18 ~~adjustment and criminal history. The inmate or inmate's~~
19 ~~representative may submit an application to the board]~~

20 D. A classification officer shall provide an inmate
21 over the age of fifty-five with a copy of the medical and
22 geriatric parole policy and any other applicable forms at least
23 once a year. An inmate arriving at a long-term care or
24 geriatric unit managed by the corrections department or placed
25 by the corrections department into long-term care or a facility

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1 not managed by the department shall be provided with a copy of
2 the medical and geriatric parole policy, written in the
3 inmate's preferred language, during orientation. A copy of the
4 medical and geriatric parole policy shall be placed and
5 maintained in the law library at each institution of the
6 corrections department.

7 E. An application for medical or geriatric parole
8 shall be submitted to the inmate's classification officer. A
9 classification officer who receives an application shall review
10 the application, make a recommendation, attach any relevant
11 documentation and forward the application package to the
12 appropriate authority as defined by corrections department
13 rule.

14 F. The corrections department shall determine
15 whether to recommend an inmate for medical or geriatric parole
16 and make any recommendations to the board no later than thirty
17 days after receipt of the application by the classification
18 officer. All applications received by the department shall be
19 processed and forwarded to the board. The recommendation shall
20 include the inmate's age, medical history and prognosis and, if
21 applicable, institutional behavior, adjustment and any evidence
22 suggesting rehabilitation during incarceration. When the
23 department recommends an inmate for medical or geriatric
24 parole, the director shall submit a statement to the board that
25 the inmate's release is not incompatible with the welfare of

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1 society. In the event that the department is unable to make a
2 determination of recommendation for medical or geriatric parole
3 within thirty days, the department shall document in writing
4 any justification for the delay.

5 G. When considering an inmate for medical or
6 geriatric parole, the director may request that reasonable
7 medical and mental health examinations be conducted; provided
8 that the examinations do not cause delay in the processing time
9 of applications required by this section.

10 H. When determining an inmate's eligibility for
11 medical or geriatric parole, the director shall consider the
12 totality of the circumstances, including:

13 (1) the inmate's age;

14 (2) the severity of the inmate's illness,
15 disease or infirmity;

16 (3) a comprehensive health evaluation of the
17 inmate;

18 (4) the inmate's institutional behavior,
19 including evidence indicating rehabilitation;

20 (5) the inmate's current level of risk for
21 violence; and

22 (6) any alternative to maintaining the
23 geriatric, permanently incapacitated or terminally ill inmate
24 in a traditional setting.

25 I. Upon receipt of an application and

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1 recommendation and supporting documentation from the
2 corrections department for medical or geriatric parole, the
3 board shall review the documentation, schedule a hearing and
4 issue a decision within fifteen days. In the event that a
5 hearing cannot be scheduled and a decision issued within
6 fifteen days, the board shall document in writing any
7 justification for the delay. If an inmate is denied medical or
8 geriatric parole, the board shall notify the inmate and provide
9 service of the copy of the written decision. A copy of the
10 decision shall be sent to the secretary of corrections and the
11 warden of the facility in which the inmate resides.

12 J. The board shall release an inmate on medical or
13 geriatric parole upon recommendation from the director unless
14 the board finds by clear and convincing evidence that the
15 inmate's release is incompatible with the welfare of society
16 and states in writing its reason for the finding. The board
17 may consider the totality of the circumstances, including an
18 inmate's criminal history, but shall not deny medical or
19 geriatric parole solely because of the nature of the charge
20 resulting in the inmate's conviction or the inmate's criminal
21 history.

22 K. A rebuttable presumption that an inmate does not
23 constitute a danger to the inmate's self or to society and is
24 therefore eligible for medical or geriatric parole is
25 established if the inmate:

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1 (1) is fifty-five years of age or older and
2 suffers from a debilitating or chronic infirmity, illness or
3 disease related to aging;

4 (2) by reason of an existing medical
5 condition, is permanently and irreversibly physically
6 incapacitated; or

7 (3) has an incurable condition caused by
8 illness or disease that would, within reasonable medical
9 judgment, produce death within six months.

10 L. Pursuant to Section 39-3-1.1 NMSA 1978, an
11 inmate whose decision is denied by the board pursuant to the
12 provisions of this section may appeal the board's decision in
13 the district court in the jurisdiction where the sentence was
14 imposed. When an inmate is physically or mentally incapable of
15 knowingly and voluntarily consenting to submission of an appeal
16 because of a mental or physical infirmity, a family member,
17 attorney, corrections department health care provider or other
18 individual with a power of attorney may submit an appeal on the
19 inmate's behalf. The notice of appeal shall include a
20 statement of any applicable appellate issues. No later than
21 forty-eight hours after the filing of the notice of appeal with
22 the board, the board shall file the record on appeal with the
23 district court, including any applicable appellee response.
24 The district court shall rule on the appeal no later than
25 seventy-two hours after the record on appeal is filed.

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1 M. An inmate who has not served the inmate's
2 minimum sentence may be considered eligible for parole under
3 the medical and geriatric parole program. Medical and
4 geriatric parole shall be in addition to any other parole for
5 which a geriatric, permanently incapacitated or terminally ill
6 inmate may be eligible.

7 N. The parole term of a geriatric, permanently
8 incapacitated or terminally ill inmate on medical or geriatric
9 parole shall be for the remainder of the inmate's basic
10 sentence and parole without diminution of sentence for good
11 behavior.

12 O. In the event that the inmate is a terminally ill
13 inmate, the corrections department shall determine whether to
14 recommend an inmate for medical or geriatric parole within
15 fifteen days of the receipt of the inmate's application by the
16 classification officer, and the board shall issue a decision
17 within seven days. In the event that the department is unable
18 to determine whether to recommend an inmate for medical or
19 geriatric parole within fifteen days pursuant to this
20 subsection, the department or the board shall document any
21 justification for the delay in writing.

22 P. An inmate who has been denied parole pursuant to
23 the provisions of this section may reapply if additional
24 information is received or if the inmate's condition so
25 warrants.

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1 Q. An inmate convicted of first degree murder shall
2 not be considered eligible for medical or geriatric parole."

3 SECTION 3. REPEAL.--Section 31-21-25.1 NMSA 1978 (being
4 Laws 1994, Chapter 21, Section 3) is repealed.

5 SECTION 4. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2023.

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56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO THE NEW MEXICO SENTENCING COMMISSION; REVISING THE
RULES OF DATA COLLECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 9-3-10.1 NMSA 1978 (being Laws 1994,
Chapter 19, Section 2, as amended) is amended to read:

"9-3-10.1. AUTHORITY TO REVIEW RECORDS OR INFORMATION--
EXCEPTIONS--RULES.--

A. The New Mexico sentencing commission is
authorized to inspect, copy, receive and review all records,
data and information in the possession of state, county and
local government agencies, [~~except records, data or information
that:~~

~~(1) is privileged under the rules of evidence;~~

~~(2) compromises or tends to disclose any~~

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1 ~~privileged record or information; or~~

2 ~~(3) consists of reports, memoranda or other~~
3 ~~internal documents given to or communications made to a~~
4 ~~prosecutor or defense attorney in connection with the~~
5 ~~investigation, prosecution or defense of a criminal case]~~
6 including juvenile records, behavioral health information and
7 information that is contained on the statewide criminal justice
8 data-sharing network.

9 B. All records, data and information received or
10 obtained by the New Mexico sentencing commission shall have the
11 same status with regard to access or release as when the
12 records, data or information was in the possession of the
13 entity from which the commission received it.

14 C. Records, data and information received or
15 obtained by the New Mexico sentencing commission under this
16 section may be used for reports on and analysis of the criminal
17 and juvenile justice system. Public reports that rely on
18 confidential information shall only use de-identified data so
19 that the information in the report cannot be used to match a
20 person with confidential information regarding that person.

21 D. The New Mexico sentencing commission is not
22 authorized to inspect, copy, receive and review records, data
23 or information that:

24 (1) is privileged under the rules of evidence;

25 (2) compromises or tends to disclose any

underscoring material = new
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1 privileged record or information; or

2 (3) consists of reports, memoranda or other
3 internal documents given to or communications made to a
4 prosecutor or defense attorney in connection with the
5 investigation, prosecution or defense of a criminal case.

6 [B-] E. The New Mexico sentencing commission shall
7 promulgate rules setting forth procedures for inspecting,
8 copying, receiving, reviewing and reporting records, data and
9 information necessary to fulfill its duties. State, county and
10 local government agencies shall assist the commission in
11 obtaining the records, data and information necessary to
12 fulfill the commission's duties. ~~[All records, data and~~
13 ~~information received or obtained by the commission shall have~~
14 ~~the same status with regard to access or release as when the~~
15 ~~records, data or information was in the possession of the~~
16 ~~entity from which the commission received it.]"~~

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_____ BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO JUDICIAL SALARIES; PROVIDING THAT JUSTICES OF THE STATE SUPREME COURT RECEIVE AN ANNUAL SALARY EQUAL TO THE ANNUAL SALARY RECEIVED BY NEW MEXICO FEDERAL MAGISTRATE JUDGES; REMOVING SALARY FORMULAS FOR MAGISTRATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 34-1-9 NMSA 1978 (being Laws 1993, Chapter 278, Section 1, as amended) is amended to read:

"34-1-9. SALARIES OF JUSTICES, JUDGES AND MAGISTRATES.--

A. Justices of the supreme court shall each receive an annual salary ~~[as provided by the legislature]~~ equal to the annual salary received by New Mexico federal magistrate judges.

The chief justice of the supreme court shall receive an annual salary that is two thousand dollars (\$2,000) more than the annual salary of a justice of the supreme court.

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B. The chief judge of:

(1) the court of appeals shall receive an annual salary that is ninety-five percent of the annual salary of the chief justice of the supreme court;

(2) a district court shall receive an annual salary that is ninety-five percent of the annual salary of the chief judge of the court of appeals; and

(3) a metropolitan court shall receive an annual salary that is ninety-five percent of the annual salary of the chief judge of a district court.

~~G. The presiding magistrate of a magistrate district where three or more divisions operate as a single court shall receive an annual salary that is seventy-five percent of the annual salary of the chief judge of a metropolitan court.~~

~~D.]~~ C. Notwithstanding any other provision of law or any other provision of this section, the annual salaries of the following judges [~~and magistrates~~] shall be established as follows:

(1) a judge of the court of appeals shall receive an annual salary that is ninety-five percent of the annual salary of a justice of the supreme court;

(2) a district court judge shall receive an annual salary that is ninety-five percent of the annual salary of a judge of the court of appeals; and

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1 (3) a metropolitan court judge shall receive
2 an annual salary that is ninety-five percent of the annual
3 salary of a district court judge.

4 ~~[(4) a full-time magistrate shall receive an~~
5 ~~annual salary that is seventy-five percent of the annual salary~~
6 ~~of a metropolitan court judge;~~

7 ~~(5) a half-time magistrate shall receive an~~
8 ~~annual salary that is fifty percent of the annual salary of a~~
9 ~~full-time magistrate; and~~

10 ~~(6) a quarter-time magistrate shall receive an~~
11 ~~annual salary that is twenty-five percent of the annual salary~~
12 ~~of a full-time magistrate.~~

13 ~~E.]~~ D. For fiscal year 1995 and all subsequent
14 fiscal years, the annual salary for justices of the supreme
15 court, judges of the court of appeals, district court judges,
16 metropolitan court judges and magistrates shall be
17 [~~established~~] provided by the legislature in an appropriations
18 act.

19 ~~[F.]~~ E. No additional salaries shall be paid to
20 justices, judges or magistrates on account of services rendered
21 the state. Justices of the supreme court, judges of the court
22 of appeals, district court judges, metropolitan court judges
23 and magistrates shall receive per diem and mileage for
24 necessary travel on official business of the court as provided
25 in the Per Diem and Mileage Act."

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_____ BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; PROVIDING THAT THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ADMINISTER THE JUDICIAL EDUCATION FUND; CREATING THE JUDICIAL EDUCATION SERVICES DIVISION IN THE ADMINISTRATIVE OFFICE OF THE COURTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 34-13-1 NMSA 1978 (being Laws 1993, Chapter 273, Section 1) is amended to read:

"34-13-1. JUDICIAL EDUCATION FUND CREATED--
ADMINISTRATION--INCOME TO THE FUND.--

A. The "judicial education fund" is created in the state treasury and shall be administered by the ~~[institute of public law at the university of New Mexico law school]~~ administrative office of the courts. Money in the fund shall be invested by the state treasurer as provided by law and

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1 earnings of the fund shall be credited to the fund. Unexpended
2 or unencumbered balances remaining in the fund at the end of
3 any fiscal year shall not revert.

4 B. Money from the fund may only be expended upon
5 appropriation by the legislature.

6 C. The judicial education fund consists of general
7 appropriations and judicial education fees levied and collected
8 pursuant to Sections 35-6-1, 35-7-4, 35-14-11, 66-8-116.3 and
9 66-8-119 NMSA 1978."

10 SECTION 2. Section 34-13-2 NMSA 1978 (being Laws 1993,
11 Chapter 273, Section 2, as amended) is amended to read:

12 "34-13-2. JUDICIAL EDUCATION [~~CENTER-CREATED~~] SERVICES
13 DIVISION--PURPOSE.--

14 [~~A. The "judicial education center" is created at~~
15 ~~the institute of public law at the university of New Mexico law~~
16 ~~school.~~

17 B.] The judicial education [~~center~~] services
18 division of the administrative office of the courts shall
19 provide judicial education, training and instruction for the
20 justices, judges, magistrates and court personnel of the state,
21 municipalities and counties and may provide such education for
22 tribal judges."

23 SECTION 3. APPROPRIATION.--Two million one hundred
24 fourteen thousand one hundred dollars (\$2,114,100) is
25 appropriated from the general fund to the judicial education

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1 fund for expenditure in fiscal year 2024 and subsequent fiscal
2 years to be used for the purposes of the fund. Any unexpended
3 or unencumbered balance remaining at the end of a fiscal year
4 shall not revert to the general fund.

5 SECTION 4. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2023.

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LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO