

HOUSE JOINT MEMORIAL 24

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE DEPARTMENT OF PUBLIC SAFETY TO STUDY THE FEASIBILITY AND COSTS OF ESTABLISHING A CRIMINAL BACKGROUND INFORMATION UNIT THAT WOULD PROVIDE COMPREHENSIVE CRIMINAL BACKGROUND INFORMATION ON CRIMINAL DEFENDANTS TO THE MAGISTRATE, METROPOLITAN AND MUNICIPAL COURTS.

WHEREAS, magistrate, metropolitan and municipal courts are often the first courts to have contact with a person arrested for a crime; and

WHEREAS, these courts make a determination of whether, and under what conditions, to release persons accused of crimes back into our communities; and

WHEREAS, these courts currently have very limited access to the criminal history information or background of the

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1 defendants appearing before them; and

2 WHEREAS, some defendants who are arrested for a crime,
3 even a minor crime, have had several prior convictions and
4 arrests and numerous aliases and social security numbers of
5 which these courts are unaware; and

6 WHEREAS, a typical example is a defendant who was arrested
7 for shoplifting and the limited access to the defendant's
8 background information at the Bernalillo county metropolitan
9 court showed no prior criminal history when, in fact, a
10 comprehensive criminal background check revealed that the
11 defendant had twenty-eight prior felony arrests with twelve
12 convictions and six prior misdemeanor arrests with three
13 convictions and that the defendant had used eleven different
14 aliases and nine different social security numbers; and

15 WHEREAS, at times there are out-of-state warrants on
16 defendants who have been arrested for a crime in New Mexico yet
17 the judge before whom they appear does not have this
18 information; and

19 WHEREAS, district courts have the assistance of the
20 corrections department, the children, youth and families
21 department and the district attorney's office, providing them
22 with comprehensive criminal background information of a
23 defendant in most cases; and

24 WHEREAS, the magistrate, metropolitan and municipal courts
25 make daily determinations on the release of defendants back

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1 into our communities yet do not have access to critical
2 information on the background of these defendants; and

3 WHEREAS, it is necessary for the safety of our communities
4 that the courts that determine the conditions of release of a
5 person arrested for a crime be fully informed of any prior
6 criminal activities of the person in order to properly assess
7 danger and impose appropriate conditions of release;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
9 STATE OF NEW MEXICO that the director of the administrative
10 office of the courts and the secretary of public safety be
11 requested to convene a task force to examine the feasibility
12 and costs of establishing a criminal background information
13 unit at the administrative office of the courts that would
14 serve all magistrate, metropolitan and municipal courts by
15 providing comprehensive criminal background information on
16 criminal defendants; and

17 BE IT FURTHER RESOLVED that the task force examine how the
18 criminal background information unit can utilize the resources
19 of the department of public safety in obtaining comprehensive
20 background information on defendants; and

21 BE IT FURTHER RESOLVED that the task force include
22 representatives from the corrections department, the
23 administrative office of the district attorneys, the public
24 defender department and any other appropriate and interested
25 parties; and

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1 BE IT FURTHER RESOLVED that the task force report its
2 findings and recommendations to the appropriate interim
3 legislative committee by November 2012; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the administrative office of the courts, the
6 department of public safety, the corrections department, the
7 administrative office of the district attorneys, the public
8 defender department and the children, youth and families
9 department.