

1 SENATE JOINT MEMORIAL 41

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 Linda M. Lopez

5
6
7
8
9
10 A JOINT MEMORIAL

11 REQUESTING A STUDY OF ALTERNATIVE PROCEDURES FOR ADJUDICATING
12 TRAFFIC OFFENSES STATEWIDE.

13
14 WHEREAS, in many jurisdictions throughout New Mexico,
15 minor traffic warrants represent more than one-half of all
16 outstanding warrants; and

17 WHEREAS, experience in New Mexico and other states
18 regarding the effectiveness and efficiency of continued
19 criminal warrant notices for failure to appear and failure to
20 pay minor traffic offenses has demonstrated that criminal
21 warrants neither represent a deterrent to the habitual
22 offender's disregard of traffic laws nor provide increased
23 public safety on the highways; and

24 WHEREAS, research data indicate that the ever-increasing
25 number of traffic warrants is not reduced until violators are

.188889.1SA

underscoring material = new
~~[bracketed material]~~ = delete

underscored material = new
~~[bracketed material] = delete~~

1 stopped on other moving violations or criminal charges; and

2 WHEREAS, the burden placed on law enforcement statewide
3 for serving traffic-related warrants is a heavy one and, by way
4 of example, in Bernalillo county, there are currently in excess
5 of thirty-seven thousand outstanding warrants for minor traffic
6 violations; and

7 WHEREAS, these violations include failure to pay fines and
8 failure to appear in court; and

9 WHEREAS, the burden placed on county detention facilities
10 statewide is also substantial and, by way of example, in 2010,
11 there were five thousand eight hundred sixty-eight bookings
12 into the Dona Ana county adult detention center for
13 traffic-related warrants and minor traffic violations, and in
14 2011, there were five thousand eight hundred seventy-four
15 bookings; and

16 WHEREAS, these burdens place a great strain on the court
17 system, local law enforcement and detention centers; and

18 WHEREAS, incarcerating individuals charged with minor
19 traffic violations has a huge negative impact on families and
20 on people's ability to continue to hold their jobs; and

21 WHEREAS, removing criminal penalties, including the
22 possibility of incarceration in jails, from traffic and driving
23 violations and instead punishing these violations with civil
24 sanctions may make better use of the resources dedicated to
25 criminal justice without jeopardizing public safety and without

.188889.1SA

underscoring material = new
~~[bracketed material] = delete~~

1 increasing the incarcerated population; and

2 WHEREAS, by decriminalizing certain minor traffic offenses
3 and making them civil infractions, other states have
4 substantially increased collection of traffic fines while
5 reducing the costs to government and maintaining public safety;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
7 STATE OF NEW MEXICO that the administrative office of the
8 courts and the New Mexico association of counties be requested
9 to convene a task force and conduct a statewide study to
10 examine alternative adjudicative procedures for traffic
11 offenses; and

12 BE IT FURTHER RESOLVED that the task force include
13 representatives from the New Mexico district attorneys'
14 association, the administrative office of the district
15 attorneys, the public defender department, the New Mexico
16 magistrate judges association, the New Mexico sentencing
17 commission, the New Mexico sheriffs' and police association,
18 the motor vehicle division of the taxation and revenue
19 department, the New Mexico municipal league and other relevant
20 and interested parties; and

21 BE IT FURTHER RESOLVED that the task force examine
22 alternative procedures for adjudicating traffic offenses and
23 decriminalizing certain minor traffic offenses; consider the
24 feasibility of eliminating the motor vehicle division's
25 involvement in the traffic citation, data entry and fine

.188889.1SA

underscoring material = new
~~[bracketed material] = delete~~

1 collection process and consolidating such processes with the
2 courts; examine all practical aspects of implementing such
3 changes; and propose legislation in accordance with any
4 recommended changes; and

5 BE IT FURTHER RESOLVED that the administrative office of
6 the courts and the New Mexico association of counties present
7 the findings and recommendations of the task force to the
8 appropriate interim legislative committee by November 2012; and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the administrative office of the courts, the New
11 Mexico association of counties, the New Mexico district
12 attorneys' association, the administrative office of the
13 district attorneys, the public defender department, the New
14 Mexico magistrate judges association, the New Mexico sentencing
15 commission, the New Mexico sheriffs' and police association,
16 the motor vehicle division of the taxation and revenue
17 department and the New Mexico municipal league.