

1 A MEMORIAL

2 REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE
3 DEPARTMENT OF HEALTH TO STUDY THE FEASIBILITY OF SENTENCING
4 NONVIOLENT OFFENDERS WHO HAVE A DRUG ADDICTION PROBLEM TO A
5 MANDATORY, THIRTY-DAY DRUG REHABILITATION PROGRAM WHILE
6 INCARCERATED.

7
8 WHEREAS, the connection between drug use and crime is
9 well known; and

10 WHEREAS, drug use and intoxication can impair judgment
11 and result in criminal behavior, poor anger management and
12 violent behavior; and

13 WHEREAS, untreated substance-using offenders are more
14 likely to relapse into drug use and criminal behavior,
15 jeopardizing public health and safety and taxing criminal
16 justice system resources; and

17 WHEREAS, treatment consistently has been shown to reduce
18 the costs associated with lost productivity, crime and
19 incarceration caused by drug use; and

20 WHEREAS, public opinion research indicates that the
21 majority of people in New Mexico and the country support a
22 shift away from incarceration and toward treatment of
23 nonviolent drug offenders; and

24 WHEREAS, the national institute on drug abuse states
25 that mandatory drug rehabilitation treatment offers the best
alternative for interrupting the cycle between drug use and
criminal behavior for offenders with drug problems; and

WHEREAS, drug addicts who are rehabilitated have the
opportunity to redirect their lives, live free from addiction
and move forward as productive citizens; and

1 WHEREAS, the rehabilitation of drug addicts reduces the
2 monetary impact on the costs related to the demands on the
3 police, courts, jails, schools, hospitals, insurance and
4 business liabilities; and

5 WHEREAS, state governments are looking at ways to reduce
6 prison populations and the related costs of incarceration; and

7 WHEREAS, over the last three years, New Jersey has
8 reduced its prison population by nine and five-tenths percent,
9 a greater rate than nearly every other state, according to the
10 Brennan center report; and

11 WHEREAS, New Jersey downsized its prison population in
12 part by replacing incarceration with drug and alcohol
13 treatment programs and ending mandatory prison terms for drug
14 offenses; and

15 WHEREAS, it would be beneficial for New Mexico to study
16 the feasibility of sentencing nonviolent offenders who have a
17 drug addiction problem to participation in a mandatory,
18 thirty-day drug rehabilitation program while incarcerated; and

19 WHEREAS, the Bernalillo county metropolitan detention
20 center in Albuquerque could be considered as a location to
21 implement a mandatory, thirty-day drug rehabilitation program;
22 and

23 WHEREAS, an analysis of the feasibility of conducting a
24 mandatory, thirty-day drug rehabilitation program at the
25 Bernalillo county metropolitan detention center for nonviolent
offenders with drug addiction would provide important data;

 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
STATE OF NEW MEXICO that the administrative office of the
courts and the department of health be requested to convene a
study group to determine the feasibility of sentencing

1 nonviolent offenders who have a drug addiction problem to a
2 mandatory, thirty-day drug rehabilitation program while
3 incarcerated; and

4 BE IT FURTHER RESOLVED that the study group be requested
5 to determine the feasibility of conducting such a mandatory,
6 thirty-day drug rehabilitation program at the Bernalillo
7 county metropolitan detention center; and

8 BE IT FURTHER RESOLVED that the study group be requested
9 to report its findings and recommendations to the appropriate
10 interim legislative committee by November 1, 2016; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the director of the administrative office of
13 the courts and the secretary of health. _____