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HOUSE MEMORIAL 22

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Antonio "Moe" Maestas

A MEMORIAL

REQUESTING A LEGISLATIVE INTERIM COMMITTEE CONCERNED WITH
CRIMINAL JUSTICE ISSUES TO FACILITATE A DIALOGUE AMONG THE
COURTS, DISTRICT ATTORNEYS, PUBLIC DEFENDERS AND CRIMINAL
DEFENSE BAR TO CONSIDER THE CREATION OF THREE NEW LEVELS OF
FELONY CRIMINAL SENTENCING IN NEW MEXICO.

WHEREAS, the criminal justice system of the state of New
Mexico must prioritize violent crimes; and

WHEREAS, the best way for the legislature to lead on this
issue is to ensure that in the Criminal Code the most egregious
crimes carry the longest sentences; and

WHEREAS, criminal justice reform efforts are sweeping the
nation, from the federal to the state to the local government
level; and

WHEREAS, since 2007, twenty-six states have taken on

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1 criminal justice reform and worked to enact reform measures;
2 and

3 WHEREAS, several bills were introduced in the 2015 United
4 States congress on a bipartisan basis to implement federal
5 criminal justice reform measures; and

6 WHEREAS, bipartisan resources exist to support state
7 legislators in undertaking criminal justice reform; and

8 WHEREAS, a number of states and the federal government
9 have examined their sentencing structures as part of their
10 criminal justice reform efforts; and

11 WHEREAS, New Mexico's current criminal sentencing
12 structure provides greater penalties for some nonviolent crimes
13 than for some violent crimes; and

14 WHEREAS, the current felony penalty structure in New
15 Mexico has four degrees of felonies, which have sentences of
16 imprisonment of up to eighteen months, up to three years, up to
17 nine years and eighteen years mandatory; and

18 WHEREAS, many attempts to increase criminal penalties have
19 failed because the leap from a three-year prison sentence to a
20 nine-year prison sentence may contradict penalties for other
21 crimes; and

22 WHEREAS, to make the penalty for third degree felony
23 vehicular homicide a six-year prison term, it took a special
24 penalty structure; and

25 WHEREAS, the creation of three new felony levels would

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1 give the legislature more flexibility in appropriately
2 increasing or decreasing penalties; and

3 WHEREAS, providing more flexibility in sentencing by
4 adding three new felony levels would allow policymakers to
5 prioritize violent crimes over nonviolent crimes; and

6 WHEREAS, while adding three new felony levels would
7 eliminate the need for "special penalties" for many crimes,
8 homicide would remain a special penalty crime and maintain its
9 current penalty structure under the law; and

10 WHEREAS, a possible proposal for a new felony sentencing
11 structure could be as follows:

12 A. up to eighteen years imprisonment for a first
13 degree felony conviction;

14 B. twelve years imprisonment for a second degree
15 felony conviction;

16 C. nine years imprisonment for a third degree
17 felony conviction;

18 D. six years imprisonment for a fourth degree
19 felony conviction;

20 E. three years imprisonment for a fifth degree
21 felony conviction;

22 F. eighteen months imprisonment for a sixth degree
23 felony conviction; and

24 G. one year imprisonment for a seventh degree
25 felony conviction;

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