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Juvenile Crime: The Challenges We Face and the Changes We Need

Juvenile Crime in Bernalillo County 01/01/2023 - 07/11/2024		
Charged with Murder	20	• 19 First Degree • 61 juveniles currently at YDDC
Cases Referred	1,221	• Mostly felony
Cases Involving a Handgun	319	• Does not include firearms with over 12" barrel

Juvenile 1 – DOB: 07/27/2004

Charges (Indictment 1): Shooting at a dwelling or occupied building (great bodily harm) (firearm enhancement); Conspiracy to commit shooting at a dwelling or occupied building (great bodily harm); Attempt to commit a felony, to wit: armed robbery; Aggravated battery (deadly weapon) (firearm enhancement) or, in the alternative; Aggravated battery (great bodily harm) (firearm enhancement); and Unlawful carrying of a handgun by a person under age 19.

Charges (Indictment 2): Shooting at a dwelling or occupied building (no great bodily harm); Conspiracy to commit shooting at a dwelling or occupied building (great bodily harm); Shooting at or from a motor vehicle (no great bodily harm); Shooting at or from a motor vehicle (no great bodily harm); and Conspiracy to commit shooting at or from a motor vehicle (no great bodily harm).

History/Prior adjudications: Aggravated battery great bodily harm) (Sandoval County); Shooting at or from a motor vehicle (no great bodily harm) (Sandoval County); Aggravated assault (deadly weapon) (Sandoval County); and Conspiracy to commit robbery (Bernalillo County).

Disposition: The Court found the defendant amenable to treatment and committed to the custody of CYFD until he was twenty-one (21) years of age. By the time the case went to final disposition, the difference between the 2-year commitment and to the age 21 amounted to a little over 4 months.

Note: If sentenced as an adult, jurisdiction was over 16 years of incarceration, none of which was mandatory.

Juvenile 2 – DOB: 10/29/2004

Charges: Armed robbery (firearm enhancement); Conspiracy to commit armed robbery; Shooting at or from a motor vehicle (great bodily harm); Conspiracy to commit shooting at or from a motor vehicle (great bodily harm); Aggravated battery (deadly weapon) (firearm enhancement); Aggravated battery (great bodily harm) (firearm enhancement); and Unlawful carrying of a deadly weapon by a person under age 19.

Disposition: Based on the plea, the defendant would have been exposed to a sentence of up to 8 years, minus 1 day. The Defendant was found amenable and he received a 2-year commitment to YDDC.

Juvenile 3 – DOB: 12/18/2004

Case cannot be discussed as it has been sealed by the Court and, as such, no longer exists legally. It is worth noting that if the Respondent would have been incarcerated until the age of 21, as requested by the State, they could not have committed the homicide they have been charged with as an adult.



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Amendments

	Statute	The Change. <i>Proposal.</i>	The Challenge. <i>Why?</i>
1.	32A-3- 7(H) Definition of “Serious Youthful Offender”	Remove “indicted or bound over” from the definition. Expand definition to include: second degree murder, voluntary manslaughter, involuntary manslaughter, vehicular homicide, child abuse resulting in death, criminal sexual penetration, and armed robbery with a firearm.	If a child between 14 and 18 is charged with First Degree Murder, then they should automatically be treated as a “serious youthful offender,” rather than waiting for the case to be indicted or bound over. Provide more jurisdiction for serious violent crimes and crimes resulting in death.
2.	32A-3- 7(J) Definition of a “Youthful Offender”	Remove “adjudicated” from the definition. Expand definition to include: unlawful carrying of a firearm as provided in NMSA 30-7-2.2 1978.	If a child between 14 and 18 is charged with one of the enumerated crimes then they should automatically be treated as a “youthful offender.” Provide more jurisdiction and accountability for unlawful possession of a firearm.
3.	32A-2-12(D) Placement or Detention	“Upon attaining the age of 18 while detained in a juvenile detention facility, the child shall be transferred to a county jail.”	Currently, based solely on attaining the age of 18, a juvenile in a detention facility is not to be transferred to a county jail.
4.	32A-2-26(H) Sealing of Records	Include language enabling the State to use juvenile delinquency records during any conditions of release hearing without having to attain a Court Order to unseal said records.	Currently, in the adult criminal justice system <i>all</i> juvenile delinquency records are sealed. The State is not permitted to use <i>any</i> juvenile delinquency records, as if they do not exist at all.
5.	32A-2-19(B) Disposition of an Adjudicated Delinquent Offender	Extend jurisdiction for amenability and supervision for youthful offenders until age 25.	Currently, jurisdiction exists for youthful offenders until they reach the age of 21. This amendment will provide more time for treatment and supervision under the juvenile justice system. <i>Note: The cost for a juvenile amenability expert is approximately \$12,500/case.</i>
6.	30-7-2.2 Unlawful possession of a handgun by a person; exceptions; penalty.	Update language from “handgun” to “firearm,” as defined in NMSA 30-7-16(E)(4). Increase penalty of unlawful possession from a misdemeanor to a fourth-degree felony.	Possession of firearms with a barrel length of over 12” per se, including rifles and shots, is not prohibited for people under the age of 19. Increasing the penalty will ensure the case is referred to the DA's office for review.