

**MINUTES**  
**of the**  
**FOURTH MEETING**  
**of the**  
**COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**December 1-2, 2020**  
**Video Conference Meeting**

The fourth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Gail Chasey, co-chair, on December 1, 2020 at 9:15 a.m. by video and audio conference via an online platform.

**Present**

Sen. Joseph Cervantes, Co-Chair  
Rep. Gail Chasey, Co-Chair  
Rep. Eliseo Lee Alcon  
Rep. Deborah A. Armstrong  
Sen. Gregory A. Baca  
Rep. Karen C. Bash  
Sen. Jacob R. Candelaria  
Rep. Dayan Hochman-Vigil (12/1)  
Sen. Linda M. Lopez  
Rep. Antonio Maestas  
Rep. William "Bill" R. Rehm  
Sen. Antoinette Sedillo Lopez

**Absent**

Rep. Zachary J. Cook  
Sen. Sander Rue

**Advisory Members**

Rep. Alonzo Baldonado  
Rep. Brian Egolf (12/1)  
Rep. Georgene Louis  
Rep. Tara L. Lujan  
Sen. Bill B. O'Neill  
Rep. Patricia Roybal Caballero  
Sen. Mimi Stewart  
Sen. Peter Wirth (12/1)

Sen. William F. Burt  
Rep. Doreen Y. Gallegos  
Sen. Daniel A. Ivey-Soto  
Sen. William H. Payne  
Rep. Andrea Romero  
Rep. Christine Trujillo

**Guest Legislators**

Rep. Kelly K. Fajardo  
Sen. Steven P. Neville (12/1)  
Rep. Sheryl Williams Stapleton (12/2)

(Attendance dates are noted for members not present for the entire meeting)

## **Minutes Approval**

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

## **Staff**

Elisabeth Johnson, Staff Attorney, Legislative Council Service (LCS)

Sean Dolan, Staff Attorney, LCS

Erin Bond, Research Assistant, LCS

## **Handouts**

Handouts and other written testimony are in the meeting file and are posted on the legislature's website.

## **Tuesday, December 1**

### **Approval of Minutes**

Upon a motion made and seconded, and without any objections, the committee approved the minutes of the September 14, 2020 meeting.

### **Presentation Regarding the Work of the New Mexico Civil Rights Commission (NMCRC) (9:20 a.m.)**

The Honorable Richard Bosson, former justice and chief justice (retired), New Mexico Supreme Court, and chair, NMCRC; and Mark Baker, vice chair, NMCRC, provided the committee with an update regarding the work of the NMCRC. Justice Bosson updated the committee on the NMCRC's objectives, processes and the commission's final report. Senator Neville, commissioner, NMCRC, and Victor Rodriguez, commissioner, NMCRC, provided the committee with an update on the NMCRC's minority report. The commission's final report can be found here:

[https://www.nmlegis.gov/handouts/CCJ%20120120%20Item%201%20Civil\\_Rights\\_Commission\\_Report.pdf](https://www.nmlegis.gov/handouts/CCJ%20120120%20Item%201%20Civil_Rights_Commission_Report.pdf).

Questions and comments from committee members included the following:

- there need to be meaningful avenues for pursuing justice;
- whether a new statute is needed as opposed to amending the Tort Claims Act; and
- it is important to ensure that New Mexico counties will be able to remain insured.

The committee heard public comment from the following individuals:

- Grace Philips;
- Nelson Goodin; and
- Rikki-Lee Chavez, legislative coordinator, New Mexico Criminal Defense Lawyers Association (NMCDLA).

### **New Mexico SAFE Legislative Priorities (1:50 p.m.)**

Barron Jones, senior policy strategist, American Civil Liberties Union of New Mexico; Emily Kaltenbach, senior director, Drug Policy Alliance; Monica Ault, New Mexico state director, Fines and Fees Justice Center; Kim Chavez-Cook, appellate defender, Public Defender Department; Bennett J. Baur, chief public defender, Public Defender Department; Paul Haidle, executive director, NMCDLA; and Ms. Chavez provided the committee with an update regarding the policy proposals of New Mexico SAFE. Ms. Kaltenbach provided the committee with information regarding proposed changes to drug laws. Mr. Jones provided the committee with information regarding police accountability and the use of force. Ms. Chavez-Cook and Ms. Ault provided the committee with information regarding individualized sentencing. Mr. Haidle provided the committee with information regarding restoring communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=2>.

Comments from committee members included the following:

- it is important to include better intervention strategies when considering opportunities to restore communities; and
- chances for remedies for the unjustly incarcerated should also be considered.

### **National Legislation Relating to Law Enforcement Use of Force (3:06 p.m.)**

Susan Frederick, senior federal affairs counsel, National Conference of State Legislatures (NCSL), and Amber Widgery, program principal, Criminal Justice Program, NCSL, provided the committee with information regarding the federal response to policing. Ms. Frederick provided the committee with information regarding competing federal bills in the house and senate, highlighting similarities and differences. Ms. Widgery provided the committee with information regarding actions taken by other states concerning oversight and policing. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=3>.

Comments from committee members included the following:

- federal guidelines regarding reporting police misconduct should be incorporated into related bills; and
- it is important to ensure transparency through any disciplinary process.

**Public Comment (4:25 p.m.)**

The committee heard public comment from the following individuals:

- Michael Stout;
- Nathan Craig;
- Dr. Margaret Brown Vega; and
- William Zunkel.

**Recess**

The committee recessed at 4:42 p.m.

**Wednesday, December 2****Reconvene**

The committee reconvened at 9:14 a.m.

**Update from the Substitute Care Advisory Council (SCAC) (9:15 a.m.)**

Shelly Bucher, director, SCAC, and Angie Schneider, chief judge, Division IV, Twelfth Judicial District Court, updated the committee on the membership and goals of the SCAC, the work being done, a review of its 2020 Annual Report and recommendations for statutory changes. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=4>.

Questions and comments from committee members included the following:

- outreach to children who have had parents deported should be prioritized;
- it is important to ensure that information and data is easily accessible and transparent; and
- stable funding is important to ensure that the SCAC can properly operate.

**Review of Work of the Criminal Justice Reform Subcommittee (CJRS) (10:27 a.m.)**

Representative Maestas, co-chair, CJRS, provided the committee with a review of the interim work done by the CJRS and presented the following bills for consideration for endorsement:

**.218340.1 — No Statute of Limitations for Second Degree Murder**

This bill removes the six-year statute of limitations for second degree murder. The committee did not endorse the bill.

**.218341.1 — Increase Penalty for Second Degree Murder to 18 Years**

This bill increases the penalty for second degree murder from 15 years to 18 years. The committee did not endorse the bill.

The proposed bills can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=5>.

Comments from committee members included the following:

- it is important to hire police officers from the communities they will serve;
- it is important to increase the number of female police officers; and
- reimagining the juvenile justice system should be a priority.

**Bills Considered for Endorsement from the Administrative Office of the Courts (AOC)  
(11:05 a.m.)**

Celina Jones, general counsel, AOC, and Jason Clack, director, Court Operations Division, AOC, presented the committee with the following four proposed bills for consideration:

.218264.1SA — Roadside Plea

This bill removes the deadline to pay Motor Vehicle Division citations and changes the penalty procedure for failure to pay a fine. The purpose of the bill is to streamline and better serve individuals who have been cited. The committee did not endorse the bill.

.218265.1SA — Excuse Persons Age 75 Years or Older from Jury Service

This bill eliminates the requirement for persons 75 years of age or older to submit an affidavit of their age to be excused from jury service. The committee voted unanimously to endorse the bill.

.218266.1SA — Increase Metropolitan Court Mediation Fee

This bill increases the Metropolitan Court mediation fee from \$5.00 to \$15.00. The increased fee will help fund mediation program staff. The committee did not endorse the bill.

.218267.1SA — Amend Magistrate Court Statute to Reflect Consideration of Authority

This bill clarifies local supervision and oversight of magistrate courts, including fiscal oversight. The bill was not voted on and will be revisited.

The proposed bills can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=6>.

**Bills Considered for Endorsement: New Mexico Sentencing Commission (NMSC) (11:56 a.m.)**

Linda Freeman, director, NMSC; Douglas Carver, deputy director, NMSC; and Angela "Spence" Pacheco, chair, Reform Committee, NMSC, presented the committee with the following three proposed bills for consideration:

.218229.1 — Children, Youth and Families: Fines and Fees Reform

This bill reimagines how fines and fees are collected. The bill also caps fees and correlates fees to an individual's ability to pay, reduces the maximum amount of time a person can be held in custody for failure to pay fines and fees, limits assessment of fines and fees to one per case, clarifies the definition of "costs" in the Indigent Defense Act and provides for a presumption of indigency for traffic fee assessments. The committee voted unanimously to endorse the bill.

.218337.1SA — Repeal Sex Offender Management Board

This bill repeals the creation of the Sex Offender Management Board. The board has not met the required number of times and frequently does not have a quorum. The committee voted unanimously to endorse the bill.

.218562.1SA — Appropriation: Rewrite the Criminal Code

This bill appropriates \$500,000 to the NMSC for two years to fund redrafting of the Criminal Code and related statutes. The committee voted unanimously to endorse the bill.

The proposed bills can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=7>.

**Additional Bills Considered for Endorsement (1:35 p.m.)**

The following additional bills were considered for endorsement by the committee:

.218163.1 — Uniform Collateral Consequences of Conviction

This bill is a duplicate of a 2019 bill that was reported out of the committee. The bill requires the NMSC to compile data related to the consequences of a conviction. The bill also requires anyone entering a plea deal to be made aware of all consequences of such plea. No vote on endorsement was taken. The bill will be revisited during the next interim.

.218255.1 — Crime: Violence Intervention Program

This bill creates a fund to attempt to prevent violent crime through a public health approach. Counties and municipalities can apply to the fund for grants to help curb violent crime. The bill was reviewed but was not ready for endorsement. No committee vote was taken.

.218447.1 — Felon Voter Registration Procedure

This bill streamlines the voter registration process for former felons by allowing a former felon to register to vote at a county clerk's office. The committee voted unanimously to endorse the bill.

.218343.1 — Crime: Clarify Domestic Terrorism Statutes

This bill amends several statutes and creates a new cyberterrorism statute. The bill will modernize existing statutes, including updating definitions. The committee voted unanimously to endorse the bill.

.218226.1 — Crime: Require Racial Impact Statements on Criminal-Justice-Related Bills

This bill requires the NMSC to provide racial impact statements in conjunction with the NMSC's other duties when evaluating bills related to criminal sentencing. The committee voted unanimously to endorse the bill.

.218342.1 — Law Enforcement: Reserve Police Officer Act

This bill recognizes reserve police officers and places them under the jurisdiction of the New Mexico Law Enforcement Academy. An individual would be required to undergo a background check and psychological evaluation. The committee voted unanimously to endorse the bill.

.218621.1 — Law Enforcement: Reporting Requirements for Use of Force

This bill standardizes language regarding the use of force by law enforcement officers and requires a report for each instance. The committee did not vote on the bill.

The proposed bills can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=12/1/2020&ItemNumber=8>.

**Public Comment**

There was no public comment.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 4:09 p.m.