

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

**June 8, 2009
Room 307, State Capitol
Santa Fe**

The first meeting of the Courts, Corrections and Justice Committee was called to order at 10:10 a.m. by Senator Peter Wirth, co-chair, on Monday, June 8, 2008, in Room 307 of the State Capitol in Santa Fe, New Mexico.

Present

Sen. Peter Wirth, Co-Chair
Sen. Rod Adair
Rep. Thomas A. Anderson
Rep. Joseph Cervantes
Rep. Gail Chasey
Rep. Zachary J. Cook
Sen. Mary Jane M. Garcia
Sen. Linda M. Lopez
Sen. Richard C. Martinez
Rep. William "Bill" R. Rehm
Sen. John C. Ryan
Rep. Mimi Stewart

Absent

Rep. Al Park, Co-Chair
Sen. Clinton D. Harden, Jr.
Rep. Antonio "Moe" Maestas

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Brian F. Egolf, Jr.
Rep. Dennis J. Kintigh
Rep. W. Ken Martinez
Sen. Cisco McSorley
Rep. Bill B. O'Neill
Rep. Gloria C. Vaughn

Rep. Elias Barela
Sen. Gay G. Kernan
Sen. Carroll H. Leavell
Sen. William H. Payne
Sen. Michael S. Sanchez
Rep. Jack E. Thomas
Sen. David Ulibarri

Staff

Maha Khoury
Kate Ferlic
Mark Harben

Guests

The guest list is in the meeting file.

Copies of all handouts are in the meeting file.

Call to Order and Introductions

Senator Wirth welcomed the committee and thanked all the previous chairs of this committee for their work in the past, honoring in particular Senator McSorley. Senator Wirth stated how much their knowledge and participation is valued by the committee. Committee members introduced themselves, and Senator Wirth introduced committee staff.

Senator Wirth requested that cell phones be silenced or in vibrate mode during committee meetings.

Interim Committee Protocols

Paula Tackett, director of the Legislative Council Service (LCS), gave a presentation regarding interim committee protocols. Last year, at the request of the New Mexico Legislative Council, there was an effort put forth to create a standard protocol. She discussed the structure of a quorum, the addition of guest or temporary members to committees and how to make a non-quorum committee a subcommittee in order to hear testimony. Ms. Tackett also explained the proper procedure for voting and calls of action. She addressed miscellaneous issues such as the microphone sound system, calendar conflicts and mileage and per diem vouchers.

Representative Chasey asked if the co-chairs would have a paper copy of the protocol. Ms. Tackett said they would be provided with one. Senator McSorley requested that Ms. Tackett request from the council that committee members be granted per diem to attend the Uniform Law Commission meeting in Santa Fe in July.

New Mexico Sentencing Commission: Update on Current Projects

Mike Hall stated that he is now the deputy director of the New Mexico Sentencing Commission (NMSC) and that Tony Ortiz is the director. He provided an overview of what the NMSC has been doing. He commented on the NMSC's budget being cut after the last legislative session, and how, as a result of the cut, it is exploring federal funding avenues. Mr. Hall discussed the updates that the commission conducts every year, including on inmate housing statistics. He discussed the collateral consequences task force and what it plans to do this year and in the future. He said the study on biased-based policing has been completed and will be distributed soon. Mr. Hall also reported on the newly automated juvenile services directory and how the consolidated offender query will include domestic violence and weapons alert notifications.

Randall Cherry, general counsel for the Sex Offender Management Board, NMSC, discussed sex offender management. Some of the issues proposed for the board's agenda this year include possibilities for de-registration of some sex offenders, the effectiveness of electronic monitoring, treatment standards and the parole statute. The crime of kidnaping as a sex offense is now a major concern for the board. He discussed problems with real-time electronic devices such as active and passive global monitoring systems, including the fact that cell phone service is required for electronic monitoring to work and many parts of the state do not have such coverage, consequently causing the offender to be considered in violation of parole or, in the alternative, to remain incarcerated.

Mr. Cherry also discussed issues with sexual-image text and picture messages that are shared among juveniles and that have content that would be deemed child pornography. He also expressed concern about the lack of a method or protocol for prevention of sex offenses, which is needed to stop such transgressions, not just to punish them. He added that recidivism for sex offenders is lower than other offenders, but pedophiles have a higher rate compared to other sex offenders.

The committee asked Mr. Cherry questions regarding his testimony.

Work Plan and Meeting Schedule for the 2009 Interim

Ms. Khoury, staff attorney, LCS, went over the proposed work plan and meeting schedule with the committee. Senator Wirth opened up discussion for potential topics to be covered this interim, and committee members discussed possible topics for the committee.

The committee heard comments and questions from the audience.

The meeting adjourned at 12:55 p.m.