

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

**November 16-18, 2016
Room 317, State Capitol
Santa Fe**

The fifth meeting of the Courts, Corrections and Justice Committee was called to order by Senator Richard C. Martinez, co-chair, on November 16, 2016 at 9:25 a.m. at the State Capitol in Santa Fe.

Present

Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Joseph Cervantes (11/17, 11/18)
Rep. Gail Chasey
Rep. Rick Little (11/16, 11/17)
Sen. Linda M. Lopez
Rep. Antonio Maestas
Sen. Cisco McSorley
Rep. Andy Nunez (11/16, 11/17)
Rep. William "Bill" R. Rehm
Sen. Sander Rue

Absent

Rep. Zachary J. Cook, Co-Chair
Rep. Jim Dines
Rep. Georgene Louis
Sen. Lisa Torracco

Advisory Members

Sen. Craig W. Brandt (11/16)
Sen. Jacob R. Candelaria (11/17)
Sen. Daniel A. Ivey-Soto (11/17)
Sen. Bill B. O'Neill (11/16, 11/17)
Rep. Patricia Roybal Caballero
Rep. Christine Trujillo
Sen. Peter Wirth (11/16)

Rep. Brian Egolf
Rep. Doreen Y. Gallegos
Rep. Paul A. Pacheco
Sen. William H. Payne
Sen. John Pinto
Rep. Patricio Ruiloba
Sen. Michael S. Sanchez
Sen. Mimi Stewart

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

Guest Legislator

Rep. Debbie A. Rodella

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

Monica Ewing, Staff Attorney, Legislative Council Service (LCS)
Celia Ludi, Staff Attorney, LCS
Peter Kovnat, Staff Attorney, LCS
Diego Jimenez, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Wednesday, November 16

Call to Order

Senator Martinez welcomed members of the committee, staff and guests.

Safety, Transparency and Disclosure in Private Solar Marketing — Consideration of Legislation

Matthew Jaramillo, a representative of Public Service Company of New Mexico (PNM), sought the committee's endorsement of a bill that would enact the "Truth in Marketing Distributed Generation Act" (handout item 1), which would regulate the activities of companies that market and lease solar energy generation systems. James Mosher, chief executive officer, Consolidated Solar Technologies (CST), informed the committee that his company had joined PNM's effort because of safety and reliability concerns for customers of some solar system leasing companies. Mr. Mosher said that companies that lease solar systems are largely unregulated, which has allowed some companies to make misleading marketing statements and perform substandard and sometimes dangerous installations of solar systems. Mr. Mosher said that his company had encountered improper installations of solar systems by companies no longer in operation, which left customers with expensive repairs and no recourse against the companies.

Mr. Jaramillo referred to his presentation materials and explained that PNM has received complaints about some solar system leasing companies that relate to sales practices, including misleading information and failures to disclose consumer obligations, and performance and service complaints, including improper and sometimes dangerous installations. He noted issues highlighted on slide number 6 of his presentation materials. PNM received 10 complaints between July and November 2016, and more complaints are expected as the private solar system industry grows. He added, in response to a question by a committee member, that he understands

that the Attorney General's Office's Consumer and Environmental Protection Division has nine cases ready for trial, and another 11 complaints are under investigation. Mr. Jaramillo, referring to slide number 10, summarized the provisions of proposed legislation.

Mr. Mosher explained that his company and other solar system installation companies have been working with PNM since 2008 to develop procedures for safe and cost-effective sales and installation of private solar systems. He said that he believes that lenders and leasing companies need to be more transparent about the structure of the financing agreements for private solar systems. In response to a committee member's question, Mr. Mosher said that most of the leasing companies are national companies, while most of the companies that sell systems are local companies.

The committee discussed existing financing approaches for solar systems and consumer protections available for leased and purchased solar systems. Mr. Jaramillo related that PNM has information on the topic on its website, including information on questions consumers should ask when considering the purchase or lease of a solar system. The committee agreed that consumers need protection from unscrupulous installers, but legitimate installers should not be adversely affected by over-regulation. Mr. Jaramillo withdrew his request for the committee's endorsement of the proposed legislation and said that he would continue working on the legislation in light of the committee's discussion.

24/7 Sobriety Monitor — Consideration of Legislation

Mindy Huddleston, director of industry relations, Alcohol Monitoring Systems, explained that her company provides continuous alcohol-monitoring devices that are placed on a person's body, as well as remote portable breath-analysis devices, house-arrest devices and devices that report a user's location. Jarred Cobb, operations manager, Southwest Monitoring, LLC, informed the committee that his company works with courts statewide to manage the installation, monitoring and removal of monitoring devices to promote behavioral changes in offenders. Ms. Huddleston said that repeat DWI offenders have a disease and that incarceration alone will not address the root of offenders' issues. She added that treatment and monitoring of offenders produce better outcomes.

In answer to a committee member's question, Mr. Cobb said there is currently very limited use of monitoring devices and that they are primarily used after adjudication in a case. He noted that the proposed legislation would require use of a monitoring device as a condition of pretrial release.

A committee member commented that use of monitoring devices, which cost about \$8.00 to \$12.00 per day, was originally proposed as a way to reduce corrections costs. The member added that if an accused or convicted person was responsible for the cost of a monitoring device, the state's burden would be even lower, but the member noted that accused and convicted persons often already have substantial financial burdens. Another committee member commented that because many offenders in the state would likely qualify for a subsidy if monitoring devices were

offered on a sliding-fee scale, it would place a significant burden on companies that install monitors to require such a scale.

Committee members expressed the following concerns:

- that procedures for reporting violations of terms of release and monitoring are problematic because district attorneys, probation officers and the courts are all overloaded and could have difficulty responding quickly;
- how much discretion judges should have for ordering the use of monitoring devices; and
- the cost of monitoring devices and the appropriate party to pay for them.

The committee did not endorse the proposed legislation but encouraged the proponents to continue work on it to address the committee's concerns.

Report from New Mexico DWI Coordinators Affiliate

Kelly Ford, DWI coordinator, Lea County, and chair of DWI Coordinators Affiliate, introduced DWI coordinators from Dona Ana, Grant, Rio Arriba, Sandoval, Taos and Santa Fe counties, explaining that every county has a DWI coordinator who offers services to DWI offenders. Those services include screening, treatment, monitoring and probation supervision. DWI coordinators also evaluate the needs of the local community and propose solutions to prevent and reduce DWI. Ms. Ford said the DWI coordinators are not addressed by the legislation proposed in the previous presentation.

Ms. Ford reminded the committee that local DWI grant funding was lost as solvency measures were undertaken in the 2016 regular and special sessions, and DWI coordinators are overextended as a result. She asked for the committee's support for the following three DWI Grant Council resolutions:

- Resolution No. 2016-2, which supports funding from liquor excise tax revenues for problem-solving courts;
- Resolution 2016-3, which supports legislation that permanently transfers 46% of the liquor excise tax to the Local DWI Grant Fund; and
- Resolution 2016-4, which opposes any legislative changes to the Local DWI Grant Program Act that would move the administration of the program from the Local Government Division of the Department of Finance and Administration.

Ms. Ford emphasized that there are currently as many people in local DWI programs as there are in jail. If those programs are extinguished through budget cuts, there will be significant strain on courts and jails, which do not have the resources to address additional offenders.

Child Protection Registry Act — House Bill 237 (2016)

Representative Monica Youngblood discussed House Bill 237, introduced in 2016, which created the Child Protection Registry Act. She said that she plans to introduce the bill again in 2017 and wants to provide information to the committee about the bill, but she is not seeking the committee's endorsement. She introduced Eric Langheinrich, chief executive officer, UNSPAM Technologies, Inc., who explained that his company works with governments to implement and enforce effective laws to control unwanted electronic messages. The company currently manages child protection registries in Michigan and Utah that are modeled after national "do not call" programs and allow families to block promotional messages for products that minors are prohibited from purchasing, including alcohol, tobacco, gambling, pornography and illegal drugs.

Michelle Scharf, vice president of government affairs, UNSPAM Technologies, Inc., and spokesperson for Utah's child protection registry, noted that on November 10, 2016, a text message with a link to pornographic material was sent to middle school students at Hope Christian School in Albuquerque. She said that the company's software prevents similar text and email messages. Representative Youngblood explained that use of the registry would be voluntary, and participants can opt out. She added that the program prevents marketers from sending unwanted communications, but it would not prevent a friend from forwarding the same message. The committee discussed the penalty provisions in the legislation, and several committee members suggested that the penalties are too severe. Mr. Langheinrich commented that the penalties are in line with penalties for the national "do not call" registry.

Human Trafficking — Services for Trafficking Victims

Susan Loubet, executive director, New Mexico Women's Agenda, discussed a fund established to provide services to victims of human trafficking, domestic violence and sexual assault. She said that disbursements from the fund are available within 24 hours of an approved request and are sent to service providers to provide direct aid to victims, including tickets for transportation, temporary housing, food and emergency medical and dental treatment. Ms. Loubet emphasized the ongoing need for education for law enforcement personnel to help them identify victims of human trafficking.

Lynn Sanchez, director, Human Trafficking Program, The Life Link, and co-chair, New Mexico Human Trafficking Task Force, explained that the task force is funded by a federal Department of Justice grant, and it primarily focuses on education to increase awareness of victims' needs and how to identify and apprehend perpetrators.

Frank Zubia, director, New Mexico Crime Victims Reparation Commission (CVRC), informed the committee that two years ago, the CVRC began administering a \$125,000 grant in partnership with four organizations, including The Life Link, to provide support services for victims. In the first year of its work, 17 victims were assisted with rent, relocation costs, child care and medical and dental expenses. During the last year, \$88,000 was spent on services for those victims and 40 survivors of domestic violence and sexual assault.

Responding to questions by committee members, Ms. Sanchez said that The Life Link's full-time staff includes crisis intervention and outreach professionals. She explained that The Life Link does not offer legal services, but it refers victims to other nonprofit legal service providers. Victims also receive service referrals from local law enforcement offices and federal agencies, including the Federal Bureau of Investigation, Immigration and Customs Enforcement and the Department of Homeland Security. She added that a 2014 law requires every employer that is subject to minimum wage laws to prominently post the phone number for a helpline. Ms. Loubet noted that outreach to and education of truck drivers at truck stops are also helpful in curbing human trafficking. Mr. Zubia remarked that the CVRC funds 146 programs.

Committee members expressed appreciation and support for the efforts of all the people and agencies involved.

Approval of Minutes

The minutes for the August 17-19 and September 12-13, 2016 meetings were approved without amendment or objection.

Update on Mora Courthouse

Paula A. Garcia, chair, Board of Mora County Commissioners, informed the committee that she and other commissioners began serving on the county commission in January 2011 and inherited the unfinished Mora courthouse project. She summarized the issue and its history: the old courthouse building was evacuated suddenly in 2005 because of safety concerns; the county acquired Federal Emergency Management Agency trailers to serve as temporary court facilities while the building's condition was evaluated and a plan developed; in 2006, the commission proposed a bond to fund repair of the old building or construction of a new building, and the bond was approved by voters; in 2007, the commission decided to build a new courthouse, and construction started in 2009 but was not completed due to a lack of funding; in 2010, the building's shell was completed, and all other construction was halted; and in 2011, the incoming commission audited the project and adopted new procurement policies to address findings by the auditor.

Ms. Garcia said that at the legislature's direction, the commission sought and received assistance from the Administrative Office of the Courts (AOC), which served as the project's manager in 2012. In 2013, a joint powers agreement was entered into, and it provided that all financial decisions be made by the AOC as the project's fiscal agent.

Luis Campos, facilities manager, AOC, described the progress on the construction of the new courthouse. Mr. Campos said that the finished building will house the district and magistrate courts, the sheriff, county administrative offices, emergency and health services and a library and that additional space will be leased to Luna Community College and the United States Department of Agriculture. In 2014, the AOC had an engineering assessment of the existing building shell and found that it was in generally acceptable condition and needed only minor

repairs. The AOC subsequently entered into a contract that includes a guaranteed maximum cost with an architect and builder.

In response to a committee member's question, Ms. Garcia said that it is not clear why the governor, in 2015, vetoed an appropriation to complete construction on the building. The county has enacted an increase in the local gross receipts tax to help pay for the building and is currently working on other ways to acquire necessary funding. She added that the re-design of the building cost \$700,000, and between \$2 million and \$3 million has been spent to date on the courthouse project.

Answering a committee member's questions, Ms. Garcia said that the population of Mora County is 4,800, the population in the surrounding area is 15,000 to 20,000 and the courthouse will serve as a regional hub for government services in the area.

Recess

The committee recessed at 3:50 p.m.

Thursday, November 17

The committee reconvened at 9:28 a.m. Senator Martinez welcomed members of the committee, staff and guests to the meeting. Committee members introduced themselves.

New Mexico Association of Counties (NMAC) — Legislative Priorities — Consideration of Legislation

Whistleblower Protection Act — .205029

Steven Kopelman, executive director, NMAC, explained the bills proposed by the NMAC. Mr. Kopelman proposed revisions to the Whistleblower Protection Act, citing costs of claims under the act and the importance of maintaining a reasonable business litigation environment in the state to encourage economic development.

Randy Van Vleck, general counsel, New Mexico Municipal League (NMML), told the committee that the Whistleblower Protection Act has cost local governments millions of dollars, partially because there is no cap on the damages under the act. Adding to the costs for government is the fact that contract employees are included in the definition of a "public employee". Mr. Van Vleck suggested that "retaliatory actions" and clauses related to communication with third parties should be addressed.

Grace Philips, general counsel, NMAC, told the committee that whistleblower claims have become a standard part of lawsuits by discharged or terminated employees. She said that over \$20 million has been paid by municipal governments and school entities in whistleblower claims. Mr. Kopelman added that the act is being used as a way to protect poorly performing employees.

The committee discussed the costs of whistleblower litigation to taxpayers and the need for limits on the federal Equal Employment Opportunity Commission and whistleblower protection laws. The members noted that under federal law, "public employee" does not include a contract employee. In response to a question from the committee, Mr. Van Vleck said that notice requirements for a whistleblower claim should specify that notice be made to an employee's colleague who has authority to affect change and not simply to any person.

Forfeiture Act Revisions — .205027

Ms. Philips told the committee that this bill is a high priority for the NMAC, NMML and sheriffs in the state. Sierra County Sheriff Glenn Hamilton expressed to the committee that the 2015 amendments to the Forfeiture Act were passed with insufficient information.

The committee discussed language used in the bill and the focus of the 2015 amendments on pre-conviction seizures.

"Ban the Box" — .205040

Senator O'Neill and Joseph Shaw from Fathers Building Futures presented a bill to prohibit job application questions regarding criminal convictions on an initial application. Senator O'Neill told the committee the intent of this bill is to stop immediate disqualification of applicants with prior convictions, and he noted that an employer can still ask questions about convictions later in the hiring process. The committee endorsed the bill without opposition.

Life Sentences, Parole Eligibility and Parole Board Hearings — .204581

Senator O'Neill discussed a need for changes to Parole Board hearings and eligibility. Under the current Parole Board, 87 hearings for persons incarcerated for at least 30 years have been conducted, and just five of the hearings resulted in parole being granted. The bill would shift the burden to the Parole Board to make certain findings if it denies parole. The committee endorsed the bill without opposition.

Sexual Assault Examination Kit Testing — Report on Audit — .204672

Connie Monahan, co-chair, Sexual Assault Evidence Kit Task Force, told the committee that an appropriation helped with significant improvements in the testing of kits and in the crime laboratory itself. Scott Weaver, secretary-designate, Department of Public Safety (DPS), told the committee that the previous year's appropriation was not the full amount requested, but the department has been able to stretch the appropriation and combine it with grant awards to make progress. Deputy Chief Eric Garcia, Albuquerque Police Department, reported that 3,600 sexual assault examination kits remain untested. Kits are prioritized, and the laboratories are currently testing the top-two priority categories to ensure that viable samples of DNA can be obtained. John Krebsbach from the Albuquerque Police Department laboratory informed the committee that the lab is restructuring its training process to allow new staff members to assist with testing kits.

State Auditor Timothy Keller reported on the results of the audit and said that the final report will be completed by the 2017 legislative session. He informed the committee that public education about testing of sexual assault examination kits has increased, and law enforcement agencies' awareness around the issue has also increased.

In response to a question from the committee, Secretary-Designate Weaver explained how law enforcement agencies outside the metro area deliver sexual assault examination kits to the state police laboratory. The laboratory received a grant to provide funding for two years, with a possible extension for a third year of funding to help with testing kits. He noted that the DPS forensics laboratory is located in Santa Fe. State Auditor Keller added that the requested funding is a relatively small amount of money to solve a large problem. Processing the backlog has been extremely cost-effective, but additional funding is still needed for DPS personnel and for sexual assault service providers who are involved in working with victims during and after the process of testing an examination kit.

The committee endorsed the bill without opposition.

Revisions to Bail Statute — .204429

Rob Hays, president, Aladdin Bail Bonds, told the committee that Constitutional Amendment 1 passed in 2016, and newly adopted court rules will have unintended consequences. He stressed that New Mexico is still in an extreme budget crisis, and a state-run pretrial-release program will cost the state significantly more than expected. Mr. Hays told the committee that the proposed legislation considers the state's economic situation, is consistent with the 2016 constitutional amendment and will ensure that indigent criminal defendants who are not a flight or public safety risk will be released with appropriate conditions.

The committee discussed the legislation and the need for more work on the bill draft.

Public Accountability Act — .204365

Senator Ivey-Soto said that legislation introduced in the 2016 session relating to government accountability included provisions that do not properly belong in the state's constitution. The legislation he presented includes a new accountability board and addresses the board's composition, jurisdiction, time lines and disclosure restrictions related to the board's activities. He noted that he is not seeking the committee's endorsement but wants to introduce the committee to the contents of the bill.

The committee discussed whether certain records should be publicly released, the deadlines included in the bill, the complaint review process provided for in the bill, Procurement Code violations, administrative and civil enforcement authority, advisory opinions and subpoena powers.

Creation of Excessive Force Unit — .205039

Andres Valdez, Rich Ciccarello and John Comstock, Vecinos United, testified with Representative Roybal Caballero about legislation to create an entity to oversee cases involving police use of force. Representative Roybal Caballero told the committee that the bill has been produced in light of national and local events involving the excessive use of force. Mr. Valdez discussed criminal, civil and administrative aspects of police accountability. Mr. Ciccarello discussed issues related to public mistrust of law enforcement and said that trust is essential to ensuring that communities are safe and that the justice system is fair.

The committee discussed measures to prevent violence in interactions with law enforcement, ways to improve the legislation, exclusive authority and conflicts of interest and recommended changing the name to "use of force" rather than "excessive force".

The committee endorsed the bill with opposition from one member.

Domestic Violence, Orders of Protection and Possession of Firearms — .204414

Miranda Viscoli, co-president, New Mexicans to Prevent Gun Violence, introduced Sheila Lewis from Santa Fe Safe and Lieutenant Michelle Williams from the Santa Fe Police Department and explained the legislation. Lieutenant Williams explained that the intent of the legislation is to remove guns from dangerous situations and to return the guns at a later, and safer, time. She informed the committee that police officer ambushes have significantly increased recently, and a majority of those attacks happen during domestic violence calls.

The committee discussed the terms related to removal of weapons, a possible requirement of finding a person dangerous before a weapon is removed, possible revisions to the proposed bill and the success of similar legislation in other states. The committee endorsed the legislation.

Recess

The committee recessed at 4:22 p.m.

Friday, November 18

The committee reconvened at 9:00 a.m.

New Mexico SAFE

Adriann Barboa, field director, Strong Families New Mexico, and Steve Allen, director of public policy, American Civil Liberties Union of New Mexico (ACLU), talked to the committee about New Mexico SAFE, a coalition of organizations that together form an apolitical, fiscally responsible, evidence-based umbrella organization that aims to make the state safer for children and families.

New Mexico SAFE created a litmus test to grade bills according to four criteria: 1) public safety; 2) the extent to which a bill is apolitical; 3) fiscal responsibility; and 4) the extent

to which the policy is evidence-based. The test was used to assess several criminal justice-related bills in 2016, and the group plans to use the test again in 2017.

Of the bills from 2016 assessed using this tool, Senate Bill 170 received the highest grade. That bill would have required an appropriation on any bill that includes increased criminal sentences, which would cover the costs associated with longer periods of incarceration for offenders. Mr. Allen said that the policy provided in that bill would allow the legislature to have a conversation about the costs required to pay for the criminal justice system.

Tony Ortiz, deputy director, New Mexico Sentencing Commission (NMSC), talked about the analysis done by the commission. He said that the commission looks at bills that are related to criminal justice, are progressing through the legislative process and are maintaining a high profile. Mr. Ortiz said that with the cuts to the NMSC's budget, it would not be possible for every criminal justice-related bill introduced in 2017 to be analyzed using the tool.

When asked by a legislator if New Mexico SAFE or its constituent organizations aim to reduce the penalty for homicide, Mr. Allen said that it may be wiser to spend money preventing crime than spending it on locking people up for longer sentences. The legislator and Mr. Allen reached an impasse when discussing whether increased DWI penalties are the reason there are fewer cases of DWI.

Another legislator said that the public wants to see people punished and that there will always be things that are done in the political realm that are not necessarily the most cost beneficial or the most effective as law enforcement tools, but they are done because the public demands it. So whether it is releasing nonviolent offenders, the death penalty or three strikes laws, there are things that will happen in the sphere of criminal justice that are sure to upset everyone, wherever they lie on the political spectrum. A different member said that both sides of the political aisle are currently supporting criminal justice reform, and it is time to seize on that momentum.

A final point was made that people, including legislators themselves, look at where organizations stand on bills, and they say, "I don't know the specifics, but I usually oppose those groups, so I oppose this bill.". When there are diverse groups, not just issue-wise but politically, it can be helpful to prevent automatic responses and assumptions about a group's work.

Electronic Communications Privacy Act — .205041

Mr. Allen said that the proposed legislation is modeled after a California bill from a few years ago that has diverse support. The bill would require law enforcement to obtain a warrant to access a person's electronic information after the person's arrest. Mr. Allen added that when this issue went before the United States Supreme Court, the justices unanimously held that a warrant is required.

During the ensuing discussion, Senator Wirth said that the bill fills a void where law has not caught up with technology. He also clarified that the bill includes an emergency provision when there is a good-faith belief that there is an imminent threat to life or of serious injury. The committee endorsed the bill without opposition, and Senator Wirth said that he would introduce the bill.

Judiciary's Proposals — Consideration of Legislation

Separate Language Access and Jury Funds — .204544

Celina Jones, general counsel, AOC, and Oscar Arevalo, fiscal services director, AOC, said that, currently, jury members and witnesses are paid from the fund used to pay court interpreters, which presents administrative hurdles and fiscal challenges. Ms. Jones said that the bill passed the legislature in a previous session but was vetoed by the governor.

The committee endorsed the legislation without opposition.

Create Judge Pro Tem Fund — .204546

Mr. Arevalo said that the Judge Pro Tem Fund is small but necessary, and the amount required fluctuates from year to year, meaning that in some years, money in the fund reverts to the General Fund, and in other years, the AOC has to request additional funding. Ms. Jones said that, like the previous bill, an earlier version passed but was vetoed by the governor.

The committee endorsed the bill without opposition and agreed that Senator Martinez would introduce the bill.

Close Two Magistrate Courts — .204609

Ms. Jones said that the magistrate courts in Questa and Quemado have limited activity, and court consolidation is appropriate with respect to those courts. The committee endorsed the bill without opposition and agreed that the bill would be introduced by Representative Christine Trujillo.

AOC Director to Receive Funds — .204545

Mr. Arevalo explained the importance of the AOC director's ability to receive funds directly, as provided for in the bill. The committee endorsed the bill without opposition and agreed that it would be introduced by Senator Martinez.

Sliding Alternative Dispute Resolution Fee Scale — .204490

Ms. Jones said the hope with this bill is to increase the use of mediation in New Mexico courts. Mediation, she said, provides significant savings to the judicial system and allows courts to focus on the more complicated cases that cannot be resolved in mediation.

The committee discussed the bill, but did not move to endorse the bill.

Constitutional Amendment — Legislative Authority to Regulate Appellate Jurisdiction — .204574

This senate joint resolution would amend Article 6 of the Constitution of New Mexico to streamline and update the court venues for appeals. It would also allow the legislature to make future decisions over New Mexico courts' appellate structure. In response to a question, Ms. Jones said that district courts are currently burdened with appeals from cases involving traffic offenses, and the amendment would allow those appeals to be heard directly by the New Mexico Court of Appeals, as with most other cases.

The committee endorsed the bill without opposition.

Children, Youth and Families Department (CYFD) Legislative Priorities — Consideration of Legislation

Crimes Against CYFD Workers — .204975

Amanda Romero, supervisor, Office of General Counsel, CYFD, said that creating the crime of assault against a CYFD worker would create parity among department employees and umpires, teachers and other professionals who already have the protections provided in the legislation. Ms. Romero said that enacting this new law might not necessarily act as a deterrent, but it could affect morale and retention rates at the CYFD.

A committee member expressed hesitancy about creating protected groups and special protections as provided in the bill. Another legislator said that the department is seeking parity with other professionals, but that might not be a wise use of the state's money. The legislator suggested saving money through criminal justice reform rather than creating enhanced crimes against CYFD workers. The savings through reform could be used to ensure that the department is adequately staffed with well-paid workers.

Some committee members expressed concern that the bill called for significant increases in criminal penalties.

Supervised Release for Delinquent Children — .204976

Jennifer Saavedra, deputy secretary, CYFD, said that the proposed bill would replace outdated language referring to juvenile "parole" with references to "supervised release" and would provide for absconding juveniles to continue on supervised release after absconding. She explained that 90 days of supervised release is critically important to the treatment of a juvenile.

Deputy Secretary Saavedra said that in the 2016 regular session, a similar bill died because of insufficient time in the session. This 2017 bill includes language agreed to in the Senate Judiciary Committee, whose members supported the bill unanimously in the 2016 session. The committee endorsed the bill without opposition and agreed that it would be introduced by Representative Rehm.

New Mexico Criminal Defense Lawyers Association (NMCDLA) — Legislative Priorities

Rikki-Lee Chavez, legislative coordinator, NMCDLA, said that the NMCDLA is a member of New Mexico SAFE, which gave a presentation to the committee earlier in the day. Matthew Coyte, president, NMCDLA, said that different members of the association have various areas of expertise, and they provide insight on many bills.

Mr. Coyte provided the committee with statistics that encourage him to work against enhanced sentencing and mandatory minimums. In New Mexico, there were 157 exonerations last year, and of those, 68 of the defendants pled guilty, meaning that many innocent defendants are pleading guilty to crimes they did not commit to avoid risking a long sentence.

Margaret Strickland, president-elect, NMCDLA, said that it costs the state \$35,000 to \$40,000 per year to incarcerate someone, and that amount does not include the cost of administering the criminal justice system. She said that passing criminal bills without associated appropriations translates into unfunded mandates.

Finally, Bennett Baur, interim chief public defender, said that public defender offices in the state are so underfunded and overworked that they are struggling to meet the state's constitutional and ethical obligations to provide defendants with effective assistance of counsel.

Mr. Baur closed by saying that a lack of an expungement law in New Mexico means that crime bills that pass into law here carry many collateral consequences to the state's inhabitants.

Hemp Bill — 205096.1

Senator McSorley said that this version of the bill has all of the changes made in the 2016 House Agriculture, Water and Wildlife Committee and mirrors the changes made in the United States Congress. The committee endorsed the bill without opposition and agreed it would be carried by Senator McSorley.

Uniform Law Bills — Consideration of Legislation

Revised Uniform Fiduciary Access to Digital Assets Act, Conforming Amendment to the Uniform Probate Code — .204346

Fletcher Catron, attorney, Catron, Catron & Glassman, P.A., said that this bill would allow a fiduciary to access electronic account information that is controlled by a principal. Mr. Catron said that 20 states have adopted this uniform law. The committee endorsed the legislation without opposition and agreed that Senator Wirth would introduce the bill.

Uniform Partition of Heirs Property Act, Technical Amendments to the Uniform Probate Code and Uniform Trust Decanting Act — .204354

Mr. Catron explained that this bill's goal is to avoid a scheme that developers have devised to dispossess heirs of family land. The committee endorsed the bill without opposition and agreed it would be introduced by Senator Wirth.

Uniform Collateral Consequences of Conviction Act — .204347

Jack Burton, commissioner, Uniform Law Commission, said that this proposed bill is about reintegration for offenders after release from incarceration. The bill would remove barriers to reintegration, such as a lack of education, job training, occupational licensing, employment and access to public benefits, and it would help prevent recidivism. Mr. Burton said that the uniform act does not include a provision for the Parole Board to have certain authority and duties that would not be practical, given the structure of the Parole Board. The committee endorsed the bill without opposition and agreed it would be introduced by Senator Cervantes.

Uniform Amendment to Section 55-3-309 NMSA 1978 of the Uniform Commercial Code — .204694

Mr. Burton explained that this proposed bill would bring New Mexico into uniformity again. The committee endorsed the bill without opposition.

Revised Uniform Limited Liability Company Act and Updates to the Business Corporation Act — .204345

Mr. Burton noted that this bill was requested and supported by business lawyers in the state. The committee endorsed the bill without opposition and agreed it would be introduced by Representative Cook.

Adjournment

There being no further business before the committee, the fifth meeting of the Courts, Criminal and Justice committee for the 2016 interim adjourned at 2:49 p.m.