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HOUSE BILL 60

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO CRIMINAL JUSTICE; ADDING AN ADDITIONAL MEMBER TO  
THE NEW MEXICO SENTENCING COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-3-1 NMSA 1978 (being Laws 1977,  
Chapter 257, Section 1, as amended) is amended to read:

"9-3-1. SHORT TITLE.--~~[Sections 9-3-1 through 9-3-12]~~  
Chapter 9, Article 3 NMSA 1978 may be cited as the "Corrections  
Department Act"."

Section 2. Section 9-3-10 NMSA 1978 (being Laws 1977,  
Chapter 257, Section 11, as amended) is amended to read:

"9-3-10. NEW MEXICO SENTENCING COMMISSION--CREATION--  
MEMBERSHIP--DUTIES.--

A. There is created the "New Mexico sentencing  
commission".

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1           B. The New Mexico sentencing commission shall be  
2 composed of [~~twenty-three~~] twenty-four members. Appointed  
3 members shall serve at the pleasure of the appointing  
4 authority. The commission shall reflect reasonable  
5 geographical and urban-rural balances and regard for the  
6 incidence of crime and the distribution and concentration of  
7 law enforcement services in the state. The commission shall  
8 consist of the following individuals or their designees:  
9           (1) the attorney general;  
10          (2) a district attorney appointed by the  
11 district attorneys association of New Mexico;  
12          (3) the chief public defender;  
13          (4) two district court judges, one of whom  
14 shall be a children's court judge, appointed by the district  
15 court judge's association of New Mexico;  
16          (5) a judge from the court of appeals  
17 appointed by the chief judge of the court of appeals;  
18          (6) the dean of the university of New Mexico  
19 school of law;  
20          (7) the secretary of corrections;  
21          (8) the secretary of public safety;  
22          (9) the secretary of children, youth and  
23 families;  
24          (10) the secretary of public education;  
25          [~~(10)~~] (11) a county sheriff appointed by the

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1 executive director of the New Mexico association of counties;

2 [~~(11)~~] (12) two public members appointed by  
3 the governor, one of whom shall be designated as [~~chairman~~]  
4 chair of the New Mexico sentencing commission by the governor;

5 [~~(12)~~] (13) three public members appointed by  
6 the president pro tempore of the senate;

7 [~~(13)~~] (14) three public members appointed by  
8 the speaker of the house of representatives;

9 [~~(14)~~] (15) two public members appointed by  
10 the chief justice of the supreme court;

11 [~~(15)~~] (16) one public member who is Native  
12 American and a practicing attorney, appointed by the president  
13 of the state bar association; and

14 [~~(16)~~] (17) one public member appointed by the  
15 governor who is a representative of a New Mexico victim  
16 organization.

17 C. A majority of the members of the New Mexico  
18 sentencing commission constitutes a quorum for the transaction  
19 of commission business.

20 D. The New Mexico sentencing commission shall:

21 (1) hold meetings at times and for periods as  
22 the commission deems necessary;

23 (2) hire staff as needed to assist the  
24 commission in the performance of its duties;

25 (3) prepare an annual budget;

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1 (4) establish policies for the operation of  
2 the [~~New Mexico sentencing~~] commission and supervision of the  
3 activities of commission staff;

4 (5) advise the executive, judicial and  
5 legislative branches of government on policy matters relating  
6 to criminal and juvenile justice;

7 (6) make recommendations to the legislature  
8 concerning proposed changes to laws relating to the criminal  
9 and juvenile justice systems that the commission determines  
10 would improve those systems;

11 (7) annually assess, monitor and report to the  
12 legislature on the impact of any enacted sentencing standards  
13 and guidelines on state and local correctional resources and  
14 programs and the need for further sentencing reform;

15 (8) when developing proposed sentencing  
16 reform:

17 (a) study sentencing models in other  
18 jurisdictions;

19 (b) study the Criminal Sentencing Act,  
20 the Criminal Code and all other New Mexico statutes relating to  
21 criminal law, criminal sentencing, criminal procedure and  
22 probation and parole;

23 (c) review past studies or reports  
24 regarding proposed changes to the Children's Code, the Criminal  
25 Code, the Criminal Sentencing Act or other New Mexico statutes

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1 relating to criminal law, criminal sentencing, criminal  
2 procedure or probation and parole;

3 (d) study past and current criminal  
4 sentencing and release practices and create a statistical  
5 database for simulating the impact of various sentencing  
6 policies;

7 (e) study the full range of prison,  
8 nonprison and intermediate sanctions;

9 (f) determine the principal purpose for  
10 criminal sanctions;

11 (g) rank criminal offenses by degree of  
12 seriousness;

13 (h) determine the role of criminal  
14 history in making criminal sentencing decisions;

15 (i) define dispositional policy that  
16 determines when adult felony offenders are confined in state  
17 prisons and county jails or sentenced to nonprison and  
18 intermediate sanctions;

19 (j) establish the length of criminal  
20 sentences;

21 (k) establish the appropriate use of  
22 community service and fines;

23 (l) structure proposed sentencing  
24 guidelines to ~~[assure]~~ ensure consistency in all aspects of  
25 criminal sentencing policy;

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1 (m) assess the impact of commission  
2 recommendations to modify criminal sentencing policy on the  
3 availability of and need for correctional resources and  
4 programs;

5 (n) use the expertise of a national or  
6 state organization with experience in sentencing reform; and

7 (o) present proposed legislation or  
8 recommendations regarding sentencing reform to the appropriate  
9 legislative interim committee;

10 (9) monitor any enacted sentencing guidelines  
11 with respect to uniformity and proportionality;

12 (10) conduct research relating to the use and  
13 effectiveness of any enacted guidelines, prosecution standards,  
14 offense charging, plea bargaining, sentencing practices,  
15 probation and parole practices and any other matters relating  
16 to the criminal justice system;

17 (11) serve as a clearinghouse for the  
18 systematic collection, analysis and dissemination of  
19 information relating to felony offense charges, plea  
20 agreements, convictions, sentences imposed, incarceration time  
21 actually served and actual and projected inmate population in  
22 the state correctional system;

23 (12) review all proposed legislation that  
24 creates a new criminal offense, changes the classification of  
25 an offense or changes the range of punishments for an offense

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1 and make recommendations to the legislature as to whether  
2 proposed changes would improve the criminal and juvenile  
3 justice system; and

4 (13) contingent upon the availability of  
5 funding, provide impact estimates, incorporating prison  
6 population projections, on all proposed legislation that has  
7 the potential to affect correctional resources.

8 E. The members of the New Mexico sentencing  
9 commission shall be paid pursuant to the Per Diem and Mileage  
10 Act and shall receive no other perquisite, compensation or  
11 allowance.

12 F. The New Mexico sentencing commission is  
13 administratively attached to the office of the governor."

14 Section 3. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2007.

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