

HOUSE JOINT MEMORIAL 69

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

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING A STUDY ON THE NEED FOR PROBATION SERVICES IN THE
MAGISTRATE COURTS.

WHEREAS, magistrates have jurisdiction in all criminal cases of misdemeanors and petty misdemeanors, including offenses under local ordinances; and

WHEREAS, magistrates adjudicate most of the offenses committed for driving under the influence of intoxicating liquor or drugs and for domestic violence; and

WHEREAS, magistrates see many offenders return to their courts on the same or similar offenses; and

WHEREAS, depending on the offender and the nature of the offense, magistrates may impose a suspended or deferred sentence and require community service, treatment, education, installation of ignition interlock device or other conditions

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1 of probation; and

2 WHEREAS, magistrates are unable to determine whether an
3 offender has complied with the conditions of probation because
4 no probation services are available for the magistrate courts;
5 and

6 WHEREAS, without probation officers to supervise those on
7 probation, the orders of magistrates are rendered meaningless
8 and without force; and

9 WHEREAS, the misdemeanor compliance program was enacted in
10 2000 to allow counties to alleviate the problem of unsupervised
11 probation in the magistrate courts, but the program has been
12 either insufficiently funded or is not viable in many counties;

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
14 STATE OF NEW MEXICO that the administrative office of the
15 courts be requested to convene a task force that includes a
16 representative from the adult probation and parole division of
17 the corrections department, the magistrate judges association
18 and other relevant and interested entities or organizations to
19 study the extent of and explore methods for addressing the need
20 for probation services in the magistrate courts; and

21 BE IT FURTHER RESOLVED THAT the administrative office of
22 the courts report to the appropriate interim legislative
23 committee on the recommendations of the task force, including
24 any recommendations for a pilot project, no later than November
25 2007; and

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BE IT FURTHER RESOLVED THAT a copy of this memorial be transmitted to the administrative office of the courts.

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