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HOUSE MEMORIAL 19

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Thomas E. Swisstack

A MEMORIAL

REQUESTING A STUDY OF ALTERNATIVE ADJUDICATIVE PROCEDURES FOR
TRAFFIC OFFENSES STATEWIDE.

WHEREAS, in many jurisdictions throughout New Mexico,
minor traffic warrants represent more than one-half of all
outstanding warrants; and

WHEREAS, research data collected to determine the
effectiveness and efficiency of continued criminal warrant
notices have demonstrated that criminal warrants neither
represent a deterrent to the habitual offender's disregard of
the traffic codes nor provide increased public safety on the
highways; and

WHEREAS, research data indicate that the ever-increasing
number of traffic warrants is not reduced until violators are
stopped on other moving violations or other criminal charges;

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1 and

2 WHEREAS, currently in Bernalillo county there are an
3 estimated sixty-one thousand seventy outstanding warrants for
4 minor traffic violations; and

5 WHEREAS, these violations include failure to pay fines and
6 failure to appear in court; and

7 WHEREAS, in 2007, six thousand two hundred twenty-four
8 persons were booked into the Bernalillo county metropolitan
9 detention center for traffic-related warrants and minor traffic
10 violations, placing great strain on Bernalillo county's
11 sentencing and court systems and Bernalillo county's
12 metropolitan detention center; and

13 WHEREAS, removing criminal penalties, including the
14 possibility of incarceration in jails, from traffic and driving
15 penalties and instead punishing violations with civil sanctions
16 could make better use of the resources dedicated to criminal
17 justice without jeopardizing public safety and without
18 increasing the incarcerated population; and

19 WHEREAS, an amendment to punish traffic offenses by fines
20 and limitations on a driver's credit history and ability to
21 access public utilities could prove to be a lesser drain on
22 court and incarceration systems;

23 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
24 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state
25 commence a statewide study to examine alternative adjudicative

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1 procedures for traffic offenses; and

2 BE IT FURTHER RESOLVED that the interim legislative
3 committee that studies courts and corrections issues study
4 current New Mexico law relating to minor traffic offenses,
5 report the study's findings and make recommendations for
6 legislation prior to the first session of the forty-ninth
7 legislature; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the governor and the co-chairs of the New Mexico
10 legislative council.

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