

April 8, 2009

SENATE EXECUTIVE MESSAGE NO. 35

The Honorable Timothy Z. Jennings, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, NM 87501

Dear President Pro Tempore Jennings and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return SENATE BILL 7, as amended, which was enacted during the Forty-Ninth Legislature, First Session, 2009.

While I understand the intent behind the bill, and still believe that many youthful offenders can and should be rehabilitated, I am concerned that signature of Senate Bill 7 will inadvertently cause harm to the public.

While the number of serious youthful offenders impacted by this bill is small, the impact of their capital crimes is real. These are youthful offenders, ages 15 to 18, who have committed the most serious of crimes, first degree murder, an act that they know or should have known would cause the death of another. Under these circumstances, I do feel it appropriate that these offenders, who commit an adult crime, be sentenced as an adult. I would also note that even under current sentencing guidelines for a serious youthful offender, a Judge has the discretion of sentencing the offender *up to* the maximum of the adult sentence but still retains the option of a lesser sentence, should that Judge feel it is more appropriate for a given circumstance and offender. As such, the offenders' age and other factors can and should be considered by the Judge in sentencing.

However, signature of Senate Bill 7 would, in essence, allow Courts to treat serious youthful offenders who commit the most heinous of crimes in the same manner as youthful offenders who commit minor offenses; hence, any deterrence that the enhanced penalty might cause would be taken away.

For these reasons, I believe that a VETO of Senate Bill 7 is appropriate at this time.

Respectfully yours,

Bill Richardson
Governor

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Time: _____ a.m./p.m. by: _____
Date: _____ 2009
Chief Clerk of the Senate

Time: _____ a.m./p.m. by: _____
Date: _____ 2009
Secretary of State