

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 35

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Gerald P. Ortiz y Pino

A MEMORIAL

REQUESTING THE CORRINE WOLFE CHILDREN'S LAW CENTER AT THE
INSTITUTE OF PUBLIC LAW AT THE UNIVERSITY OF NEW MEXICO SCHOOL
OF LAW TO CONVENE A WORKING GROUP OF PERSONS INVOLVED WITH
YOUTHS IN THE JUVENILE JUSTICE SYSTEM TO CREATE POLICY FOR THE
USE OF PHYSICAL RESTRAINTS ON YOUTHS IN NEW MEXICO'S COURTS.

WHEREAS, persons working with youths in the juvenile
justice system are fully aware and supportive of the need to
protect the dignity and rights of youths during court
proceedings; and

WHEREAS, persons from many points of view are mindful of
their concomitant responsibility to ensure public safety; and

WHEREAS, persons are well aware of the right of judges to
determine the way in which hearings will be conducted in their
own courtrooms; and

underscoring material = new
[bracketed material] = delete

1 WHEREAS, the problem of using physical restraints on
2 youths who enter a courtroom is one to be solved with respect
3 for the rights of youths and the safety of persons in the
4 courtroom and, at the same time, is one directly related to the
5 court administrative costs available to a judge for additional
6 security; and

7 WHEREAS, the courts seem amenable to allowing youths to
8 appear in court without physical restraints if the security of
9 the courtroom can be assured; however, some courts lack the
10 resources needed to provide the security necessary to
11 accommodate the goal of removing physical restraints used on
12 youths; and

13 WHEREAS, people from many perspectives are willing and
14 able to work together to resolve the issue in a way that
15 addresses all of the varying points of view;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
17 OF NEW MEXICO that the Corrine Wolfe children's law center at
18 the institute of public law at the university of New Mexico law
19 school be requested to convene a group that includes
20 representatives from the children, youth and families
21 department, the administrative office of the courts, the
22 children's court rules committee of the supreme court, the
23 public defender department, the district attorneys'
24 association, the sheriffs' association and youth advocates
25 selected by the Corrine Wolfe children's law center; and

.177519.1

underscoring material = new
~~[bracketed material] = delete~~

1 BE IT FURTHER RESOLVED that the working group make
2 recommendations on the implementation of a policy on the use of
3 physical restraints on youths during court proceedings,
4 including whether the policy should be established by court
5 rule or statute; and

6 BE IT FURTHER RESOLVED that the working group report its
7 recommendations to the appropriate interim legislative
8 committees by November 1, 2009; and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the director of the Corrine Wolfe children's law
11 center, the secretary of children, youth and families, the
12 administrative office of the courts, the chair of the
13 children's court rules committee of the supreme court, the
14 public defender department, the president of the district
15 attorneys' association and the president of the sheriffs'
16 association as well as the executive director of the institute
17 of public law.