



**Minutes of the Meeting of the  
New Mexico Sentencing Commission  
10:00 a.m.  
December 8, 2020**

via Zoom

<b>Members Present</b>	<b>Members Absent</b>	<b>Others Attending</b>	<b>NMSC Staff Present</b>
Hon. Edward Chavez (ret'd.), Chair	Hon. Marci Beyer (DMCJA)	Kim Chavez Cook (LOPD)	Linda Freeman
Bob Cleavall, Vice Chair	Sheriff Mark Cage (House Minority)	Paul Guerin (UNM CARA)	Douglas Carver
Marit Andrews (for PED)	Sheriff Manuel Gonzales (NM Counties)	Charlie Verploegh (BHS Bernalillo County)	Amanda Armstrong
Cindy Aragon (State Bar)	Claire Harwell (Governor)	Cisco McSorley (Probation & Parole Board)	
Bennett Baur (LOPD)	Angela "Spence" Pacheco (Speaker)	Jason Greenlee (DPS)	
Regina Chacon (for DPS)	Martin Suazo (Pro Tem)	Jason Weeks (Bernalillo County)	
Hon. John Chavez	Ron West (Senate Minority)		
Jason Clack (for NM SCt)			
Jim Cowan (for CYFD)			
Mark Donatelli (Speaker)			
Brady Horn (for NM SCt)			
Anne Kelly (AGO)			
April Land (UNM SOL)			
Michael Lilley (Pro Tem)			
Melanie Martinez (NMCD)			

Nina Safier (Governor)			
David Schmidt (Pro Tem)			
Clint Wellborn (NMDAA)			

**I. Welcome and Introductions.** The meeting began at 10:01 a.m. Chair Justice Edward Chavez (retd.) welcomed members, guests, and staff to the meeting.

**II. Approval of minutes for the November 16, 2020 meeting.** The minutes of the meeting were approved, with an amendment to the attendance list, by unanimous vote.

**III. Staff Report.**

Linda Freeman, Executive Director of the New Mexico Sentencing Commission (NMSC), informed the Commission that:

- the census for the County Detention Reimbursement Act had been completed and accepted at the Department of Finance and Administration;
- later during the week she would be meeting with the Corrections Department regarding an update to the Prison Population Forecast; an updated report was necessitated by the changes in the Corrections population due to the Covid crisis.
- the Intergovernmental Agreements for all of the crime reduction grants had been completed, and two of the five had been signed by all parties; and
- work was continuing on the Commission’s various data integration initiatives.

Douglas Carver, Deputy Director, NMSC, informed the Commission that there had been a delay in getting bill drafts from the Legislative Council Service in time for the Courts, Corrections, and Justice Committee (CCJ) meeting, and thus the bill concerning juvenile fines and fees was not ready for the CCJ endorsement meeting.

**IV. Report from the Reform Committee.**

Executive Director Freeman informed the Commission that the Reform Committee had decided to roll over the work on race and ethnicity data until the next interim. NMSC staff will work on methodology and research best practices to collect such data.

**V. Bills endorsed by the Courts, Corrections, and Justice Committee.**

Deputy Director Carver informed the Commission that CCJ had endorsed the three Commission-sponsored bills presented to it:

- Adult fines and fees reform;
- Repeal of the Sex Offender Management Board; and
- A \$500,000 appropriation to re-draft the Criminal Code and other criminal statutes.

In addition, CCJ endorsed the following other bills:

- An Administrative Office of the Courts bill to eliminate the requirement for persons 75 years of age or older to submit an affidavit of their age to be excused from jury service;
- A bill to streamline the voter registration process for former felons;
- A bill concerning domestic terrorism;
- A bill requiring racial impact statements on criminal-justice-related bills; and
- The Law Enforcement Reserve Police Officer Act.

## **VI. Clarification to Changes to the Behavioral Health Code to Allow Disclosure of Certain Information for Research Purposes.**

Charlie Verploegh, assistant director of the Department of Behavioral Health, Bernalillo County, informed the Commission that changes were needed to statutes in order to obtain behavioral health data for research purposes, as despite the changes that were made in 2019 to the statutes concerned, certain entities were claiming information can only be shared as of the effective date of the change, rather than earlier information. Additionally, the changes did not address information for minors. Jason Weak, from Bernalillo County, added that these changes would help to evaluate programs. Paul Guerin, University of New Mexico Center for Applied Research and Analysis, noted that originally the changes had meant to include children.

Members of the Commission asked questions about and discussed concerns with the confidentiality of behavioral health data for juveniles; why juvenile data had not been included in the 2019 changes; whether Bernalillo County included consent provisions in their present processes; whether advocates in this area had been brought into the discussion of any proposed legislation; how the Institutional Review Board process worked in these matters; and why the statute changes in 2019 were being interpreted so that they did not apply retroactively.

It was decided that once a bill was drafted, it would be forwarded to members of the NMSC's Juvenile Committee, who would meet before the Legislative Session to discuss the proposed legislation.

## **VII. Legislation proposed by member agencies.**

No legislation from member agencies was brought before the Commission.

## **VIII. Proposed NMSC Meeting Procedures.**

The proposed NMSC meeting procedures were approved by unanimous vote.

## **IX. Public Comment.**

There was no public comment offered.

## **X. Next meeting.**

The committee will next meet sometime after the pocket veto deadline of April 9, 2021.

## **XI. Adjourn.** The meeting adjourned at 11:00 a.m.