



**Minutes of the Meeting of the  
New Mexico Sentencing Commission  
10:00 a.m.  
April 15, 2021**

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)	Jose Villegas	Linda Freeman
Bob Cleavall, Vice Chair	Sheriff Mark Cage (House Minority)	Cynthia Pacheco (AOC)	Douglas Carver
Marit Andrews (for PED)	Angela "Spence" Pacheco (Speaker)	Theresa Windsor (Burt & Co.)	
Cindy Aragon (State Bar)	Martin Suazo (Pro Tem)	Ron Schranz (Burt & Co.)	
Bennett Baur (LOPD)		Cisco McSorley (Probation & Parole Board)	
Karen Cann (NMCD)		Nick Costales (CYFD)	
Regina Chacon (for DPS)		Kim Chavez Cook (LOPD)	
Hon. John Chavez			
Jason Clack (for NM SCt)			
Jim Cowan (for CYFD)			
Mark Donatelli (Speaker)			
Capt. David Funes (NM Counties)			
Claire Harwell (Governor)			
Brady Horn (for NM SCt)			
Anne Kelly (AGO)			
April Land (UNM SOL)			
Michael Lilley (Pro Tem)			

Nina Safier (Governor)			
David Schmidt (Pro Tem)			
Clint Wellborn (NMDAA)			
Ron West (Senate Minority)			

**I. Welcome and Introductions.** The meeting began at 10:02 a.m. Chair Justice Edward Chavez (ret.) welcomed members, guests, and staff to the meeting.

**II. Approval of minutes for the December 8, 2020 meeting.** The minutes of the meeting were approved by unanimous vote.

**III. Staff Report.**

Linda Freeman, Executive Director of the New Mexico Sentencing Commission (NMSC), informed the Commission that there was positive news about the Commission’s budget after the recent Legislative Session. The budget was fully intact from the prior year, sitting at approximately \$1.2 million, plus a \$500,000 special appropriation for the rewrite of the Criminal Code and other criminal statutes, and plus a \$50,000 special appropriation that will be used for studying bail and pretrial reform.

**IV. FY20 Commission Audit Report.**

Ron Schranz and Theresa Windsor of Burt & Co. CPA, the auditors for the NMSC this past fiscal year, gave an overview of the FY20 audit report. The audit was a clean, or unmodified, opinion. They discussed the auditing standards applied and the methodology used to complete the report. They also gave the Commission a summary of key changes in the financial position of the NMSC. The NMSC had three findings in the report: one finding was a material weakness because of an audit adjustment that had to be made due to a duplicate billing and because the University of New Mexico was not always billed monthly; a second was a need to record time appropriately for the Commission’s business manager; and a third due to an untimely reversion.

**V. Rewrite of NMSC Strategic Plan.**

Executive Director Freeman informed the Commission that the Strategic Plan had not undergone an overhaul in eight years and that she would like to get members to help to rework the Strategic Plan. A number of members volunteered for the effort. The Strategic Plan is due in August.

**VI. Update on Legislative Session.**

Douglas Carver, Deputy Director, NMSC, gave the members a quick overview of the Legislative Session. He stated that of the four bills the Commission had drafted, only the bill concerning fines and fees in the juvenile justice system had passed and been signed by the Governor. The geriatric and medical parole bill got caught up in legislative maneuvering by having other legislation attached to it and did not get a final vote; and the bill concerning adult fines and fees did not get a final vote. The bill to abolish the Sex Offender Management Board never obtained a sponsor. In addition, he informed the Commission that a bill to create a Children’s Code Reform Task Force, of which the NMSC would have been a member, never

received a vote on the House Floor; but the Uniform Collateral Consequences of Conviction Act, which assigns to the Commission the duty to publish on its website collateral consequences of convictions in New Mexico, did pass after many years of attempts, thus adding those duties to the existing tasks of the Commission.

## **VII. Rewrite of the Criminal Code.**

Executive Director Freeman introduced this topic by noting that the Commission had received \$500,000 for this effort in a special appropriation that was immediately available as it was for the present and next fiscal years. The Commission has contracted with the Robina Institute of Criminal Law and Criminal Justice, a research institute affiliated with the University of Minnesota, who specialize in criminal justice reform issues and have assisted other jurisdictions in efforts similar to that which New Mexico is about to undertake. The Robina Institute is pulling together information for the Commission on reform efforts in other states, an overview of current best practices in criminal justice, how our Criminal Code compares to other jurisdictions, and recommendations for how to structure the effort. The Robina Institute will be making a preliminary report to the Commission at its next meeting. Executive Director Freeman also informed the Commission that she had begun looking into hiring additional Commission staff for this effort, whether on a contract basis or as part- or full-time employees.

Chair Chavez asked Commission members to recommend a structure for the Commission as this effort goes forward, including whether to set up a new subcommittee or use the existing subcommittee structure.

Members of the Commission asked questions about and discussed the background and role of the Robina Institute; whether other organizations had been contacted; other states that have rewritten their criminal codes; the scope of revision being contemplated by Rep. Gail Chasey, who initially sponsored the appropriation, and by other legislators; whether the Council of State Governments Justice Center would be involved in the work; possible involvement by the UNM School of Law; the length of time available for the effort; how this work would intersect with the work of the Reform Committee; the need to get buy in from legislators, the Governor's office, and other interested parties throughout the process; and that the Juvenile Committee's involvement in the rewrite of the Children's Code in past years provides a model for an approach.

Members of the Commission recommended that the Commission create a new subcommittee specifically focused on this task, as there will be a number of big decisions to be made. Chair Chavez said that he would reach out to members to form such a subcommittee.

## **VIII. Ideas for Legislation for 2022 Legislative Session.**

Chair Chavez introduced this topic by noting that the Commission's charge is to provide advice to the three branches of government on what reforms to the criminal justice system might be recommended. He also noted that looking at legislation just as it was introduced was not ideal. He intends to write a letter to all legislators inviting them to submit bills to the Commission for review in advance of the Legislative Session. Additionally, he recommended that members of the Commission take a look at legislation on which action was not taken to see if there were ideas in those bills that should be brought forward again. He also recommended that the Commission re-examine the bills on adult fines and fees and geriatric and medical parole to see if changes needed to be made to those pieces of legislation, with the thought that the Commission should try to get them placed on the Governor's call for the upcoming short Session in 2022.

Members of the Commission mentioned that the Juvenile Committee was possibly interested in moving forward with more work on the fines and fees issues, and that some other bills that were considered in the

past Legislative Session seemed to have strong support, particularly HB 201 concerning early release from probation.

#### **IX. Report from the Legislative Committee.**

Deputy Director Carver informed the committee that in the 2021 Legislative Session the Legislative Committee reviewed a total of 109 pieces of legislation – 103 bills, two memorials, and four joint resolutions. Eleven of the bills reviewed passed the Legislature, and all but one were signed by the Governor, while one was vetoed. One of the memorials passed its chamber, the other did not, and none of the joint resolutions passed the Legislature. He added that in conversations with Chair Martin Suazo, the committee might re-assess how it votes on legislation in future Legislative Sessions.

#### **X. Report from the Justice Information Sharing Council.**

Executive Director Freeman informed the Commission that JISC would be meeting again soon; the council would re-launch with all stakeholders involved in the criminal justice data sharing initiative that the Commission was leading.

#### **XI. Report from the Juvenile Committee.**

Bob Cleavall, Chair, reported that the committee had met on April 9 and heard a presentation on drag racing in Albuquerque and Bernalillo County; received an update on the work of AMIkids Sandoval, who have been expanding their programming and facilities in the juvenile justice system; and discussed the work plan for the committee in the coming year.

Chair Chavez asked whether the committee could get information on how many times juveniles have been determined to be amendable for treatment but no treatment opportunities were available, and whether the committee might be able to assess where the gaps were in treatment options for juveniles involved in the justice system.

#### **XII. Report from the Sex Offender Management Board.**

Deputy Director Carver stated that he had been contacted by one of the members of the SOMB, who was interested in finding a new home for the board. Members of the committee discussed how long it had been since the board had brought forward anything for the Commission to consider.

#### **XIII. Report from the Grants Committee.**

Executive Director Freeman discussed the webinars that the Commission had started to help educate members of the criminal justice coordinating councils (CJCCs) and other interested parties in the crime reduction grants process and to stimulate ideas for grants. She informed the Commission that the forms for grant applications had been up on the Commission's website since late March, with a deadline for applications of May 7, and the hope that funded projects would be ready to launch by July 1. Commission staff have been reaching out to CJCCs to engage them with the process more, as momentum that had been built up when the grants process started had been thrown off by the Covid crisis.

**XIV. Report from the Reform Committee.**

Deputy Director Carver informed the Commission that he had spoken with Chair Spence Pacheco and that the Reform Committee will be reconvening soon; the scope of its work will partially be determined by the undertaking to rewrite the Criminal Code and other criminal justice statutes.

**XV. Public Comment.**

There was no public comment offered.

**XVI. Next meeting.**

The committee will next meet sometime in May 2021. Commission staff will poll members for the best date.

**XVII. Adjourn.** The meeting adjourned at 11:50 a.m.