



**Minutes of the Meeting of the
New Mexico Sentencing Commission
10:00 a.m.
August 26, 2021**

via Zoom

Members Present	Members Absent	Others Attending	NMSC Staff Present
Hon. Edward Chavez (ret'd.), Chair	Cindy Aragon (State Bar)	Regina Chacon (DPS)	Linda Freeman
Bob Cleavall, Vice Chair	Sheriff Mark Cage (House Minority)	Tamar Ginossar (UNM ISR)	Douglas Carver
Corey Adams (CYFD)	Mark Donatelli (Speaker)	Melanie Martinez (NMCD)	Amanda Armstrong
Marit Andrews (for PED)	Claire Harwell (Governor)	Mike Stout	Jamey Cook
Jason Bowie (DPS)	Angela "Spence" Pacheco (Speaker)	Ashley Nellis (Sentencing Project)	Nancy Shane
Hon. Daniel A. Bryant (DMCJA)	Martin Suazo (Pro Tem)		
Karen Cann (NMCD)	Ron West (Senate Minority)		
Hon. John Chavez			
Kim Chavez Cook (LOPD)			
Sheriff Glenn Hamilton (NM Counties)			
Brady Horn (NM SCt)			
Celina Jones (AOC) (NM SCt)			
Anne Kelly (AGO)			
April Land (UNMSOL)			
Michael Lilley (Pro Tem)			
Anita Mesa (BHSD)			
Nina Safier (Governor)			

David Schmidt (Pro Tem)			
Hon. Fred T. Van Soelen (DMCJA)			
Clint Wellborn (NMDAA)			

I. Welcome and Introductions. The meeting began at 10:03 a.m. Chair Justice Edward Chavez (ret.) welcomed members, guests, and staff to the meeting.

II. Approval of minutes for the May 19, 2021 meeting. The minutes of the meeting were approved by unanimous vote.

III. Staff Report.

Linda Freeman, Executive Director, New Mexico Sentencing Commission (NMSC), informed the Commission that there were a number of personnel changes affecting the Commission. There was a change in leadership at the Institute for Social Research (ISR) of the University of New Mexico, of which the NMSC is a part. Dr. Tamar Ginossar was now the director of ISR, taking over from Lonna Atkeson. Jamey Cook had joined ISR and would be assuming many of the accountancy roles needed for the NMSC. Nancy Shane had joined the NMSC staff as Research Director, and would be assuming direct supervision of the research team. The job opening for someone to assist with the update to the Criminal Code is not yet filled, and will be reposted with different qualifications.

Executive Director Freeman informed the Commission that she and Deputy Director Douglas Carver had made a presentation to the Legislature’s interim Courts, Corrections, and Justice Committee (CCJ) on July 27, 2021, on the beginnings of the Criminal Code update process that had gone well. She also noted that the latest Prison Population Forecast had been published. She concluded her comments by informing the Commission that a memorandum of understanding (MOU) had been signed with the Administrative Office of the Courts regarding the DataXchange platform.

IV. Commission Budget for FY 2023.

Executive Director Freeman discussed the Commission’s proposed budget for FY 2023. The budget request is for \$1,188,600, with a small portion of that representing transfers -- \$22,000 under an MOU with the New Mexico Department of Corrections for the Prison Population Report; and \$30,000 for the County Detention Reimbursement Act. The budget also includes \$178,000 for crime reduction grants under the Crime Reduction Grant Act. The request was a flat request. She mentioned that the Commission was exploring the idea of creating a separate fund for the crime reduction grants in statute for the grant monies.

Members of the Commission discussed and asked questions about why the Commission was requesting a flat budget; whether monies could be requested to support research work through the University of New Mexico; whether there was money available for members to travel to attend the Legislative Session to support NMSC legislation; how the criminal justice coordinating councils submit their budgets and how they make their requests for crime reduction grants; and whether more money should be requested for the crime reduction grants.

Bob Cleavall, Vice Chair, moved that the appropriation request for FY 2023 for grants to other agencies be increased to a total of one million dollars. The motion was seconded by Judge John Chavez, and passed

unanimously. With this change, the budget request for FY 2023, upon a motion by Judge Chavez, seconded by Vice Chair Cleavall, was then passed unanimously.

V. Commission Strategic Plan for FY 2023.

Executive Director Freeman informed the Commission that the working group formed to update the Commission's strategic plan had met in a facilitated meeting, and the result was that the strategic plan was now more contemporary, more precise, and more concise. Members of the Commission noted their approval of the new strategic plan. There was some discussion of the outcomes listed in the plan; Executive Director Freeman informed the Commission that the outcomes were agreed upon with Ellen Rabin, the Commission's fiscal analyst at the Legislative Finance Committee (LFC), and Brian Chavez, the Commission's analyst at the Department of Finance and Administration.

Upon a motion by April Land, seconded by Judge Chavez, the strategic plan for FY 2023 was approved unanimously.

VI. Open Meetings Resolution for FY 2022.

Deputy Director Carver informed the committee that he had reworked the Open Meetings Resolution that the Commission had used for years after consulting the Open Meetings Act Compliance Guide published by the Office of the Attorney General and the Foundation for Open Government's website. The language in the revised resolution had been changed slightly to reflect best practices, and some of the information had been placed in different sections of the document.

Upon a motion by Judge Fred Van Soelen, seconded by Mark Lilley, the Open Meetings Resolution for FY 2022 was unanimously approved.

VII. Ideas for Legislation for the 2022 Legislative Session.

Chair Chavez brought up the idea of separating crime reduction grant funds from the general budget. Deputy Director Carver informed the Commission that he would have language on such a bill available for the Commission at its next meeting, and that Ms. Rabin of the LFC supported the concept. Chair Chavez noted that additional legislation requests would be discussed in the committee reports.

VIII. Report from the Legislative Committee.

Executive Director Freeman informed the Commission that the Legislative Committee would set up its meetings closer to the Legislative Session, in compliance with whatever health order was in force at the time.

IX. Report from the Justice Information Sharing Council.

Executive Director Freeman informed the Commission that the Justice Information Sharing Council will meet again once there is a director in place at the Court's Judicial Information Division, with the main goal being to address the MOU regarding the DataXchange.

X. Report from the Juvenile Committee.

Bob Cleavall, Committee Chair, expressed his hope that the committee would be able to start travelling again. He informed the Commission that the committee's next meeting would be held some time after the new Secretary of the Children, Youth, and Families Department, former Supreme Court Justice Barbara

Vigil, had assumed her position, with the hope of getting her to address the committee. There was some discussion among members of the committee concerning traffic offense fees for juveniles, which Committee Chair Cleavall said would be addressed in an upcoming meeting. He also said that the committee would look again at the issues of referrals of juveniles. Deputy Director Carver informed the Commission that the Commission was mentioned at the recent CCJ meeting by Sen. Linda Lopez in connection with her desire to rewrite the Children's Code.

XI. Report from the Sex Offender Management Board.

Deputy Director Carver informed the Commission that he was working on a bill draft to place the board under another agency, as most of the board's mission did not involve the core duties of the NMSC. He reminded the Commission that the bill to abolish the board was not able to obtain a sponsor for the last regular Legislative Session, and that one former board member had expressed the hope that the board could be relocated rather than abolished.

XII. Report from the Grants Committee.

Executive Director Freeman informed the Commission that the Grants Committee had awarded grants to the Fourth Judicial District Court for new programs, to the Eighth Judicial District Court for a domestic violence specialty court, to the Thirteenth Judicial District Court for equipment purchases, and to the Bernalillo County Metropolitan Court for a program project coordinator to work with competency and the county's Behavioral Health Unit.

XIII. Report from the Reform Committee.

Deputy Director Carver informed the Commission that the committee would be addressing at its upcoming meeting the medical and geriatric parole bill and the adult fines and fees reform bill that were endorsed by the Commission for introduction during the last regular Legislative Session and had almost, but not quite, passed.

XIV. Report from the Criminal Code Update Committee.

Deputy Director Carver informed the Commission that the committee had held three meetings, had discussed a scope of work, and had formed its first working group, to assess the child abuse statutes. The committee will be forming additional working groups at its upcoming meeting. Member of the Commission briefly discussed the funding that the NMSC had received for the update.

XV. Public Comment.

There was no public comment offered.

XVI. Next Meeting.

The committee scheduled its next meeting for October 7, 2021, at 10:00 a.m.

IX. Adjourn. The meeting adjourned at 11:54 a.m.