

NEW MEXICO SENTENCING COMMISSION

May 10, 2013

NMSC Full Commission

NM Educator's Federal Credit Union

4100 Pan American Highway NE

Albuquerque

10:00 a.m.

Commission Members Present	Commission Members Absent	Others	NMSC Staff
	Marron Lee, Chair	Tony Lynn, DPS	Tony Ortiz
Bob Cleavall, Acting Chair		Eric Chenier, LFC	Linda Freeman
Cindy Aragon		Mike Hall, AODA	Amir Chapel
	District Attorney Matt Chandler		Renee Cordova
	Sheriff Raymond Cobos		
Ben Baur, Acting Chief Public Defender	Amy Orlando		
Ann Halter (for CYFD Sec. Yolanda Berumen-Deines)	Judge Joel Garnett		
Mark Donatelli	Judge Jerry Ritter		
Regina Chacon (for DPS Sec. Gorden Eden Jr.)	PED Sec. Hanna Skandera		
	Martin Suazo		
David Pedersen (for Attorney General Gary King)	Judge Michael Vigil, (COA)		
Kay Monaco			
Carlos Elizondo (for NMCD Sec. Gregg Marcantel)			
Patrick Simpson (for Artie Pepin)			

David Schmidt			
Michael Vigil, Citizen			
Max Minzner (for Dean of the UNM law school			
Rep. of a victim organization (vacant)			
District Court Judge (vacant)			

Welcome: Bob Cleavall, Acting Chair, called the meeting to order at 10:10 a.m. Committee members, guests and staff introduced themselves.

Approval of minutes for the December 4, 2012 meeting: The minutes for the previous committee meeting were amended as follows: 1) on page 3, at the end of the first full paragraph, the following language was added: “Mark Donatelli asked that the Legislative Committee vote on whether to support or oppose bills reviewed by the committee. The Chair responded that the committee will not take votes.”, and 2) on page 4, at the end of the last bullet on that page, strike the period and insert “, because that was the only option available.”.

The amended minutes were then approved by consensus.

Staff Report:

--**2012 agency audit.** The 2012 agency audit for the NM Sentencing Commission has been completed. It was a clean audit with no findings.

--**2013 legislative session and disposition of significant bills.**

--House Bill 104, as amended: Expands Reasons for Amber Alerts (Laws 2013, Chapter 51);

--HJC Sub for HB 146, as amended: Restrictions on Sales of Methamphetamine Precursors (Vetoed);

--HJC Sub for HB 304, as amended: Human Trafficking Victims Civil Remedies and Services (Laws 2013, Chapter 200);

--House Bill 438, as amended: No Mandatory Parole for Certain Felony Convictions (identical to Senate Bill 415) (Vetoed);

--HAFC Sub for HJC Sub for HB 483, as amended: Creates Public Defender Commission to Oversee Operations of Public Defender Department (Laws 2013, Chapter 195);

--HJC Sub for HB 570: Amends Sex Offender Registration and Notification Act (Laws 2013, Chapter 152);

--HB 608: Creates the Bernalillo County Criminal Justice Review Commission (Laws 2013, Chapter 199);

--SB 20: Increases Fees for Defendants in Misdemeanor Compliance Programs (Laws 2013, Chapter 104);

--SB 35: No Conviction for Certain Motor Vehicle Offenses (No Vehicle Registration, Insurance or Driver's License) if the Person Produces Evidence of Compliance in Court (Laws 2013, Chapter 204);

--SB 36, as amended: Provides Penalty Assessments for Certain Motor Vehicle Offenses (Laws 2013, Chapter 205);

--SB 37: Clarifies Statutory Provisions Relating to Suspension or Revocation of a Driver's License (Laws 2013, Chapter 163);

--SB 40, as amended: Provides that Electronic Communication Devices are Contraband and are Prohibited in Jails and Prisons (Laws 2013, Chapter 55);

--SPAC Sub for SB 65, as amended: Providing Pre-Release Medicaid Eligibility Assessments for Incarcerated Offenders (Vetoed);

--SB 143: Intensive Probation and Parole Officer Caseloads (Laws 2013, Chapter 48);

--SB 145, as amended: Eliminates State and Local Selection Panels for Community Corrections Programs (Laws 2013, Chapter 165);

--SB 158, as amended: Uniform Collateral Consequences of Conviction Act (Vetoed);

--SB 203, as amended: Modifies Juvenile Detention Requirements (Pocket Vetoed);

--SB 294: Criminal Record Expungement Act (Vetoed);

--SB 415, as amended: No Mandatory Parole for Certain Felony Convictions (identical to House Bill 438) (Vetoed);

--SB 442: Allows the Issuance of an Ignition Interlock License to an Offender Convicted for Homicide or Great Bodily Harm by Vehicle While DWI (Laws 2013, Chapter 101);

--SB 490, as amended: Provides Procedures to Enhance the Accuracy of Eyewitness Identifications of Suspects (Pocket Vetoed); and

--SJC Sub for SB 491: Revises Procedures for Post-Conviction Consideration of DNA Evidence (Pocket Vetoed).

--**NMSC research and projects.** Staff briefed committee members on the following research and projects:

--Two recent NMSC publications that supplement the NMSC's August 2012 report regarding length of stay in adult county detention facilities. The reports are entitled: 1) "Effect of Mental Health Diagnoses on Length of Stay in Two New Mexico Detention Facilities" (April 2013); and 2) "Effect of Competency and Diagnostic Evaluation on Length of Stay in a Sample of New Mexico Detention Facilities" (April 2013). Both reports can be found on the Sentencing Commission's web site. Work on a third supplemental report is in progress. This report will analyze reasons for probation violations that result in a jail booking.

--The NMSC's prison population forecast report will be completed and delivered to the Corrections Department by the end of June.

--This summer, NMSC staff will audit records at several adult county detention facilities, as a corollary to work performed pursuant to the County Detention Facilities Reimbursement Act.

--NMSC staff, in collaboration with the NM Association of Counties, has made arrangements for the provision of technical assistance from the National Center for State Courts. On May 22nd, there will be a day-long meeting with criminal justice professionals from smaller counties included in the Sentencing Commission's length of stay study. The purpose of the meeting is to discuss felony case processing techniques that could be used to reduce pre-trial confinement times in detention facilities.

--NMSC staff serves on the Governor's Recidivism Reduction Task Force, which held its initial meeting on May 6th. Staff has provided the task force with NMSC research that is germane to the work of the task force.

--Working in collaboration with Dr. Betty Caponera, Director for the NM Interpersonal Violence Data Central Repository, NMSC staff is reviewing information contained in a survey administered to female inmates at the Women's Correctional Facility in Grants, NM. Information gleaned from the surveys will be used for an analysis of the prevalence of adverse childhood experiences among the female inmate population.

--NMSC staff continues to work with Legislative Finance Committee staff and PEW Center staff on implementation of the NM Results First Initiative. This summer, NMSC staff will attend a regional meeting hosted in Denver by PEW-MacArthur to discuss next steps for the Results First Initiative.

During the ensuing discussion of the research projects, a member requested a future presentation by the NM Corrections Department regarding the use of a men's correctional facility in Grants for female inmates who cannot be housed at the women's facility. The female inmate population exceeds the operational capacity at the women's correctional facility.

Report from the Legislative Committee. Tony Ortiz briefed Commission members on the work of the Legislative Committee during the 2013 legislative session. During the session, the Legislative Committee convened six times and reviewed 142 bills and memorials. Member's comments and public comments on bills and memorials were recorded in the NMSC's Bill Tracker. The Bill Tracker was widely distributed to policy makers and their staff during the legislative session.

During the ensuing discussion, Mark Donatelli renewed his request that all members of the Sentencing Commission be authorized to serve on the Legislative Committee. He stated his belief that the credibility of the Commission suffers because all Commission members are not authorized to serve on the Legislative Committee.

It was noted that during the last full Commission meeting (December 4, 2012) prior to the 2013 Legislative Session, a large number of significant criminal and juvenile justice bills were reviewed by the full Commission and all comments made during that meeting were included in the NMSC Bill Tracker as "members comments". This included bills prepared by or affecting the Judiciary; Corrections Department; Department of Public Safety; Children, Youth and Families Department; Public Defender Department; and Attorney General's Office.

At the conclusion of the discussion, Mr. Donatelli asked Tony Ortiz to convey a request for a meeting with Marron Lee, Commission Chair, to discuss Mr. Donatelli's concerns. Mr. Ortiz agreed to convey the request.

Report from the Juvenile Committee. Bob Cleavall, Chair, reported that the committee would like to work with the Governor's Office and the Children, Youth and Families Department on juvenile justice issues. The committee has identified some of the issues it would like to work on during the 2013 interim, including: 1) development of a literature review regarding facilities similar to the Sequoyah Adolescent Treatment Center; 2) hazing incidents involving coaches in youth sports. It was noted that Chairman Cleavall could serve as a liaison between the SM 97 task force (youth sports commission) and the Juvenile Committee; 3) the membership of and procedures for the Supervised Release Panel and the Juvenile Public Safety Advisory Board; 4) the increased use of data to better understand juvenile justice issues; and 5) discipline issues in public schools and referral of incidents on public school grounds to law enforcement agencies.

Report from the Justice Information Sharing Council (JISC). Mike Hall, Chair, briefed members on efforts to rebuild the Consolidated Offender Query (COQ). The Consolidated Offender Query (COQ) is the closest thing to a one-stop, criminal history look-up in New Mexico. The COQ is currently hosted by the Administrative Office of the District Attorneys (hosts the servers) and the Administrative Office of the Courts (runs a help desk). The COQ is in need of a rebuild to replace antiquated systems, address security vulnerabilities and add capacity. In the absence of funds to address these issues, the ongoing operation of the COQ will be compromised and may be in jeopardy.

Report from the Sex Offender Management Board (SOMB). Tony Ortiz, Acting Chair, briefed members on the role of the SOMB in crafting a consensus SORNA bill that identified areas of agreement found in Rep. Maestas' and Rep. Herrell's respective legislative proposals. The consensus bill served as a baseline for discussions that eventually yielded HJC Substitute for HB 570 (2013) (Laws 2013, Chapter 152). The SOMB met recently and developed a scope of work for the 2103 interim, including: 1) hosting a presentation regarding facilities and programming for convicted sex offenders housed at the Otero County Prison Facility; 2) next steps regarding HB 270 (2013); 3) a briefing on and discussion of the response letter from the federal SMART Office regarding New Mexico's compliance packet concerning federal sex offender laws; 4) a presentation of the New Mexico Sentencing Commission's exploratory analysis regarding recidivism rates for sex offenders; 5) finding an administrative home for the proposed standards for individuals who provide treatment to adult sex offenders, developed by the SOMB..

Next meeting. The next meeting will be held on August 20th at 10:00 a.m.

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