

NEW MEXICO SENTENCING COMMISSION

December 9, 2014 MINUTES

NM Educator's Federal Credit Union,
4100 Pan American Highway NE
Albuquerque, NM
10:00 AM

Commission Members Present	Commission Members Absent	Others	NMSC Staff
Marron Lee, Chair	Amy Orlando	Regina Chacon	Tony Ortiz
Bob Cleavall, Vice Chair	Sec. Hanna Skandera	Sherry Stephens	Linda Freeman
Jason Rael, (for Jorge Alvarado, Chief PD)	Sheriff Raymond Cobos	Jim Brewster	Renee Cordova
Martin Suazo	Max Minzner	Paul Guerin	
Mark Donatelli			
Hon. Jerry Ritter	Hon. Joel Garnett		
David Schmidt	Kay Monaco		
Clint Wellborn, DA			
Cindy Aragon			
Frank Zubia			
Alex Tomlin (for NMCD Secretary Gregg Marcantel)			
Greg Fouratt, DPS Secretary			
Jennifer Saavedra (for CYFD Sec. Yolanda Berumen-Deines)			
Mike Vigil (citizen)			
David Pederson (for AG Gary King)			
Patrick Simpson (for Arthur Pepin)			
Hon. Michael Vigil, (COA)			

Welcome. Marron Lee, Chair, called the meeting to order at 10:00 a.m. She welcomed Commission members, staff, and guests.

Approval of minutes. The minutes for the August 19, 2014 meeting were approved by consensus.

NMSC Staff Report.

1) An audit exit conference with Moss Adams will be held on December 11, 2014.

2) Linda Freeman has organized the annual NMSC holiday party for December 10th. All NMSC members are invited.

3) Update on research projects:

-NMSC staff has completed its statutory responsibilities under the County Detention Facility Reimbursement Act. The data collected from county jails has been provided to the Department of Finance and Administration.

-NMSC staff will assist the Crossroads for Women program with a recidivism study regarding a cohort of women who have received services from that program.

-NMSC staff recently published the annual, statutorily-required report, "Time Served in New Mexico Prisons, FY 2014: Analysis of the Impact of Earned Meritorious Deductions" (November 2014).

Summary and discussion of criminal and juvenile justice proposals likely to be introduced during the 2015 legislative session.

Proposals from the Judiciary:

-a bill to provide additional judgeships in the Second and Third district courts;

-a bill providing that appeals from municipal court would still go to district court, but then through the court of appeals rather than the supreme court;

-a bill to allow the Director for the Administrative Office of the Courts to receive funds, including private funds or federal funds, to carry out the duties of the office;

-a bill requiring a minimum of eight hours per day of incarceration in jail for time served to be credited against fines or costs; and

- a bill to allow development of a sliding fee scale for parties who receive services from alternative dispute resolution programs.

Proposals from the Attorney General's Office:

-a bill to define units of prosecution in child pornography cases; and

-a bill to authorize imposition of a fee on sex offenders at the time of registration to fund prosecution of internet-based sex offense cases.

Proposals from the Department of Public Safety. DPS has crafted a bill that reorganizes the internal operations of the department.

Proposals from the Law Office of the Public Defender. The LOPD has crafted a bill that proposes amendments to the Public Defender Act and Indigent Defense Act. The LOPD representative at the meeting was not familiar with the specifics of the bill.

Proposals from the Crime Victims Reparations Commission. The CVRC has crafted a bill that creates a crime victims reparations fee. Proceeds from the fee would be used to assist and provide compensation to crime victims.

Proposals from the New Mexico Corrections Department. The NMCD will propose a bill to prohibit possession of cell phones in prison facilities.

The Children, Youth and Families Department is working on several proposals for introduction in 2015, but the proposals have not yet been finalized.

Finally, Tony Ortiz briefly addressed additional proposals adopted by the Criminal Justice Reform Sub-Committee and the interim Courts, Corrections and Justice Committee: the Halfway House and Transitional Residential Facility Act; a technical fix to the Criminal Sentencing Act; a proposal to add homelessness to the Hate Crimes Act; a proposal to ban private employers from considering an applicants prior conviction when reviewing initial job applications; a bill proposing protocols to ensure accuracy of eyewitness identifications in criminal investigations; proposed amendments to the statute regarding geriatric parole; a bill regarding Medicaid enrollment for incarcerated individuals; a bill proposing that the Attorney General's Office prosecute crimes allegedly committed by law enforcement officers; a proposal to amend the statute regarding terms and conditions for parolees who are sex offenders; and a bill that would direct all misdemeanants to county detention facilities.

All of these measures will be reviewed and discussed by the Sentencing Commission's Legislative Committee during the 2015 session.

Report from the Legislative Committee. Martin Suazo, Chair, briefed the members. Committee deliberations will focus on legal issues, technical issues, data points, and relevant research. There will not be votes on bills. Comments made during Legislative Committee meetings, and public comment, will be reported in the NM Sentencing Commission's Bill Tracker.

The roster for the Legislative Committee:

- 1) Martin Suazo, Chair
- 2) Jorge Alvarado, Chief Public Defender
- 3) Yolanda Berumen-Deines, CYFD Secretary
- 4) Clint Wellborn, rep. the District Attorneys Association
- 5) Greg Fouratt, DPS Secretary
- 6) Marron Lee, NMSC Chair
- 7) Gregg Marcantel, NMCD Secretary
- 8) Max Minzner, rep. UNM Law School
- 9) Bob Cleavall, appointed by the Speaker of the House
- 10) Amy Orlando, appointed by the Governor
- 11) Arthur Pepin, appointed by the NM Supreme Court
- 12) Judge Michael Vigil, NM Court of Appeals
- 13) David Pederson, Attorney Generals Office

Legislative Committee meetings will be held on Tuesday mornings at 10:00 a.m. Meetings will be held in the conference room at the Administrative Office of the Courts. The initial meeting will take place on January 27th and there will be a total of six or seven meetings during the 60-day session.

Report from the Juvenile Committee. Bob Cleavall, Chair, briefed the members. The Juvenile Committee met on November 6th and the focus of the meeting was the current state of behavioral health services for juveniles. Steve Johnson, Executive Director for New Day Youth and Family Services, and Krisztina Ford, CEO and President of All Faiths, discussed that topic with the committee. The Juvenile Committee will meet once more before the legislative session to discuss juvenile justice-related bills likely to be introduced in 2015.

Report from the Sex Offender Management Board. Tony Ortiz, Acting Chair, briefed the members. The SOMB met on October 23rd. The board received a briefing from Linda Freeman on a NMSC publication entitled, "Updated Exploratory Sex Offender Recidivism Study: 2004-2006 Probation Sentence and Prison Release Cohorts" (September 2014). The board also received a briefing from DPS Secretary Greg Fouratt and Regina Chacon regarding outstanding issues related to federal SORNA requirements. In the view of the federal SMART Office, New Mexico is still not in substantial compliance. In order to achieve compliance, the state must add certain offenses to the list of sex offenses that require registration. Finally, the SOMB discussed the utility of risk/needs evaluations for sex offender parole hearings and reviewed and provided feedback on a bill proposed by the Law Office of the Public Defender regarding parole hearings for sex offenders.

Report from the Justice Information Sharing Council. Tony Ortiz, Vice Chair, briefed the members. The JISC met on December 3rd. During the meeting, the JISC members received an update on revisions to the Uniform Charge Code Table, received an update from the Judiciary regarding implementation of the Odyssey case management system, and discussed possible new initiatives for the JISC in the future. A point of emphasis in the future will be an analysis of how to improve the reporting of criminal case dispositions to the Department of Public Safety. On an administrative note, Regina Chacon was selected to succeed Mike Hall as JISC Chair.

Public Comment. There was no public comment.

Next meeting. The next Sentencing Commission meeting will be held in early May 2015.

Adjourn. The meeting adjourned at 12:05 p.m.