

# NEW MEXICO SENTENCING COMMISSION

March 29, 2016

MINUTES

JISC

## JUSTICE INFORMATION SHARING COUNCIL

10.00 a.m.

Judicial Information Division  
2905 Rodeo Park Dr. East Bldg. #5  
Santa Fe, New Mexico

JISC Present	Members	JISC Members Absent	Others Attending	NMSC Staff
Regina Chacon, DPS, Chair		Daniel Calderon, LOPD	Adrien Herrera, AOC	Linda Freeman
Tony Ortiz, Vice Chair	NMSC,	Aaron Jones, NMAC	Sonia Abeyta, DPS	Amir Chapel
Genevieve Grant, AOC			Laura Orchard, AOC	
Jerry Brinegar, NMCD			Joseph Vigil, AOC	
Brandy Toward, AODA, (on phone)			Julie Wheeler, AOC	
Dr. Jeff Tolliver, CYFD			Drew Johnson, DPS	

**Welcome:** Regina Chacon, Chair, called the meeting to order at 10.05 a.m. Committee members, guests, and staff introduced themselves.

**Approval of minutes for the August 4, 2015 and November 10, 2015 meetings.** The minutes for the previous two meetings were approved.

**Staff report.** NMSC staff summarized the contents of a memorandum regarding sentencing laws enacted during the 2016 legislative session and signed by Governor Martinez. The memorandum has been provided to the Administrative Office of the District Attorneys, so that the changes to sentencing laws can be merged into the Charge Code Table

**Report on DPS authorization to create and maintain a criminal records database and provide criminal background checks to the courts and law enforcement.** Regina Chacon summarized legislative action on HRPAC Substitute for HB 336, which provides statutory authority to the Secretary of Public Safety for the creation and maintenance of a criminal records database that merges records from several databases. The bill also provides that the criminal history information for defendants and suspects will then be given to

courts and law enforcement agencies. During the ensuing discussion, the following points were made:

- the Department of Public Safety (DPS) received funding for operation of the criminal records database, including money for personnel, equipment, systems enhancement, office space and supplies;

- DPS has created an internal working group to bring the criminal records database online, with a “go live” target date of October 1, 2016.

- information in the New Mexico Consolidated Offender Query (COQ) will be merged with data from federal databases, including NCIC;

- DPS officials have already held meetings with court officials to discuss processes for delivering the criminal history information; and

- for several years, staff at the Second Judicial District Court and Bernalillo County Metropolitan Court have been performing background checks on defendants.

**Report on SB 176, regarding mandatory criminal history record checks of adults in a home when there is an emergency placement of a child in that home.** The Children, Youth and Families Department has been requesting criminal history checks in the National Crime Information Center (NCIC) from law enforcement agencies when conducting emergency placements in order to ensure that a child is not being placed at risk in a home. The federal government, specifically the Federal Bureau of Investigations, had placed New Mexico on notice that it would no longer allow CYFD to obtain NCIC information unless language was added to New Mexico statutes that the child must be removed if any household member fails to provide fingerprints. SB 176 also allows CYFD to perform those checks directly.

**Request to flag “youthful offender” charges in the Charge Code Table.**

There was a brief discussion regarding a request to flag “youthful offender” predicate offenses in the Charge Code Table. The predicate offenses are found in Subsection J of Section 32A-2-3 NMSA 1978. Following the discussion, it was decided to table this item and to take it up at the next meeting.

**Next meeting.** A special JISC meeting will be held on April 18, 2016, (1.30 p.m.) to discuss mapping of data needed for a comprehensive criminal records database that will be administered by the Department of Public Safety.

The next regular JISC meeting will be held on July 12, 2016, at 10.30 a.m.

**Adjourn.** The meeting adjourned at 11.30 a.m.