



**Minutes of the Meeting of the  
Reform Committee  
10:00 a.m.  
September 30, 2021**

via Zoom

| <b>Committee Members Present</b> | <b>Committee Members Absent</b> | <b>Others Attending</b>                       | <b>NMSC Staff</b> |
|----------------------------------|---------------------------------|-----------------------------------------------|-------------------|
| Angela “Spence” Pacheco, Chair   | Jason Clack (AOC)               | Monica Ault (Fines and Fees Justice Center)   | Linda Freeman     |
| Bob Cleavall (NMSC Vice Chair)   | Claire Harwell                  | Amber Farrell (Fines and Fees Justice Center) | Douglas Carver    |
| Kim Chavez Cook (LOPD)           | Brady Horn                      | Tamar Ginossar                                | Nancy Shane       |
| Megan Dorsey                     | Anne Kelly (AGO)                |                                               |                   |
| April Land (UNMSOL)              | Dave Schmidt                    |                                               |                   |
| Mike Lilley                      | Alisha Tafoya Lucero (NMCD)     |                                               |                   |
| Anita Mesa (BHSD)                | Clint Wellborn (AODA)           |                                               |                   |
| Nina Safier                      |                                 |                                               |                   |
|                                  |                                 |                                               |                   |

**I. Welcome and Introductions.** Angela Pacheco, Chair, called the meeting to order at 10:12 a.m.

**II. Approval of Minutes for the September 16, 2021 meeting.** The minutes for the previous committee meeting were approved by consensus.

**III. Staff Report.**

Douglas Carver, Deputy Director of the New Mexico Sentencing Commission (NMSC), informed the committee that he believed that NMSC staff would be presenting the Prison Population Forecast to the Legislature’s interim Courts, Corrections, and Justice Committee meeting in October.

#### **IV. Adult Fines and Fees Bill.**

Chair Pacheco informed the committee that they would discuss the 2021 Legislative Session bill as introduced, and the amendments that had been made to it in the Senate Judiciary Committee (SJC) and on the Senate Floor. Deputy Director Carver informed the committee that in email correspondence with the Administrative Office of the Courts (AOC), they had indicated that they wished the language restored that had been removed by SJC amendments 2 and 3 – that language concerned a person making more than the required minimum payment. Monica Ault, New Mexico Director of the Fines and Fees Justice Center, discussed those amendments, informing the committee that the Senators who proposed the amendments thought that the language was not necessary, but that there would be no problem including it back in the legislation. Deputy Director Carver noted that the language that had been removed by those two amendments was language agreed upon by the committee in the original bill.

A motion was made by Kim Chavez Cook, Law Offices of the Public Defender (LOPD), seconded by Megan Dorsey, that the language struck from SJC in their Amendments 2 and 3 be reinserted into the bill in order to address AOC's concerns. The motion passed unanimously.

Deputy Director Carver next discussed the SJC amendment that had removed Section 8 from the bill, SJC Amendment 10. That section concerned assessment of court costs, fines, and fees for indigent defendants. He informed the committee that the AOC had expressed reservations about that section this year, but that he did not know what their position was at present. Ms. Ault noted that the AOC had expressed concerns about having to do a determination of income, creating extra work for the court; she informed the committee that the courts already had to do this determination, and that as the bill would allow the courts to rely on the public defender determination in most instances, the bill would reduce the workload on the courts. She recommended keeping the language.

A motion was made by Ms. Chavez Cook, LOPD, seconded by Nina Safier, to restore the language in Section 8 that had been agreed to by the Reform Committee the previous year but removed by SJC. The motion passed unanimously.

Deputy Director Carver then addressed SJC Amendment 1, which struck language that stated that the court shall assess a person's ability to pay a fine, fee, or cost at the time of sentencing; that SJC amendment was then struck by a vote on the Senate floor (Senate Floor Amendment 1). Ms. Ault informed the committee that the language puts into statute what was already required by court Rule, and that the Senators who voted to strip that language out in SJC voted to restore it on the Senate Floor after a congenial debate.

A motion was made by Ms. Chavez Cook, LOPD, seconded by Mike Lilley, to reinstate the sentence removed by SJC in their Amendment 1 and restored on the Senate Floor. The motion passed unanimously.

A motion was then made by April Land, University of New Mexico School of Law, seconded by Ms. Dorsey, that the Reform Committee recommend to the Full Commission for endorsement the adult fines and fees bill as introduced in the 2021 Legislative Session, striking SJC Amendments 1 through 3 and 10, and accepting SJC Amendments 4 through 9. The motion passed unanimously.

Members of the committee also discussed and asked questions about the issues that are raised when committee members change their position after they had agreed to support legislation; and whether the AOC (who were not able to attend the meeting) would still support the bill with the new language.

## **V. Working Group on Fees Abolition.**

Chair Pacheco informed the members of the committee that if they were interested in participating in the proposed working group to address fees abolition, they should send an email to Deputy Director Carver. The working group will be organized soon.

**VI. Next Meeting.** The committee will next meet in Spring 2022, unless occasion demands it meet before that time.

**VII. Adjourn.** The meeting adjourned at 11:19 a.m.