

# NEW MEXICO SENTENCING COMMISSION

July 20, 2016 SOMB MINUTES

PERA Building  
5<sup>th</sup> Floor, CYFD Conference Room  
1120 Paseo De Peralta  
Santa Fe, NM

SOMB Members Present	SOMB Members Absent	Others	Staff
Tony Ortiz, Acting Chair	Honorable Abigail Aragon	Regina Chacon, DPS	Amir Chapel
Amy Orlando, for the Secretary of DPS	Secretary of DOH	Monica Ewing, LCS	
Kim Chavez-Cook, for the Chief Public Defender	Marron Lee, NMSC Chair	Anthony Maez, AGO	
Clara Moran, for Attorney General Hector Balderas	Chaplain Jose Villegas	Rick Dean	
Donna Richmond	Secretary Hanna Skandera, PED		
Jim Brewster, for the Secretary of Corrections	Daniel Barela, Adult Probation and Parole		
Connie Whitmore, for the Secretary of Indian Affairs	Helen Quintana, for the Secretary of CYFD		
	Rick Tedrow, District Attorneys Association		

**Welcome.** Tony Ortiz, Acting Chair, called the meeting to order at 1:35 p.m. He welcomed SOMB members and guests.

**Approval of minutes.** The minutes for the April 7, 2016 meeting were approved by consensus.

## **Staff report.**

Staff for the legislative Courts, Corrections and Justice (CCJ) Committee has invited the SOMB to brief the CCJ committee on the work of the board. The meeting is scheduled for August 18<sup>th</sup>, at the University of New Mexico. Tony Ortiz will invite two SOMB members to join him for this meeting.

Regina Chacon invited SOMB members to participate in the National Night Out, which will be held on the Santa Fe plaza on August 2<sup>nd</sup>. The National Night Out takes place in many cities across the country, in an effort to promote community-police partnerships to make our neighborhoods safer.

**Discussion regarding Substitute for House Bill 65, as amended (2016) and the potential impact on federal funds.** Anthony Maez, Special Agent in Charge for the Internet Crimes Against Children Task Force, NM Attorney General's Office, led the discussion. He noted that there are 61 similar task forces across the country. The Internet Crimes Against Children (ICAC) Task Force in New Mexico currently has a

membership of 85 law enforcement officers. The New Mexico Attorney General's Office has a computer lab that is designed to provide forensic analysis to law enforcement agencies working ICAC cases. When tips are received by ICAC, an initial determination is made whether to proceed with a state or federal investigation. During the first six months of this calendar year, 301 investigations have so far resulted in 39 arrests by task force members. Also, ICAC task force members provide internet crime prevention training at schools, colleges and community gatherings throughout the state. Mr. Maez noted that while the Senate Finance Committee amendment to HB 65 provides an exception for consensual "sexting" that occurs between certain youth, such behavior remains illegal under the provisions of federal law. Unfortunately, youth are now under the impression that they cannot be charged for being in possession of child pornography. ICAC members will continue to provide training and education on the current law, both state and federal.

During the ensuing conversation, the following points were discussed:

- ICAC receives funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) and a significant portion of that money passes through the Attorney General's Office to law enforcement agencies throughout the state; and
- it is too soon to know if federal funding will be jeopardized.

**Discussion of alternative ways to address possession and distribution of child pornography by a child.** Prior to the meeting, staff provided SOMB members with information regarding efforts in other states to address possession or distribution of child pornography by a child. New Jersey, Texas, Vermont and West Virginia have recently enacted laws to provide for mandatory educational programs, rather than prosecutions, for youth who engage in consensual sexting with another youth. Other states have downgraded the sanction from a felony to a misdemeanor. And some states have utilized "revenge porn" laws, when applicable. These possible alternatives will be discussed with the legislative Courts, Corrections and Justice Committee on August 18<sup>th</sup>.

**Public comment.** No public comment.

**Next meeting.** The next SOMB meeting will be held on October 5, 2016.

**Adjourn.** The meeting adjourned at 2.50 p.m.

