

New Mexico Sentencing Commission 2008 Session

Post-Session Bill Tracker

(includes final actions taken by Legislature; a Final NMSC Bill Tracker will be posted after the Governor has acted on all bills sent to him)

This Bill Tracker, which reflects input and votes by the 16 members of the NMSC Legislative Committee, is updated daily and is available on the NMSC web site at <http://nmsc.unm.edu>

Budget: The signed version of House Bill 2 gave NMSC full funding (\$849.9). This amount is inclusive of the \$30.0 NMSC receives to analyze county jail populations for DFA distribution to counties, as well as \$150.0 for the Justice Information Sharing Council.

HB49: Appropriates funds to the Sentencing Commission to review the prevalence and results of de novo appeals of DWI cases to district courts. This bill was consented out of HJC and is now parked in HAFC. There is \$20,000 in the signed version of SB165 for this study.

HB109: Appropriates funds to the Sentencing Commission to convene a task force to study the collateral consequences of criminal arrest, conviction and extended periods of incarceration and to make recommendations on how to neutralize or eliminate those consequences. There is \$20,000 in the signed version of SB165 for this study.

HB270: Appropriates funds to the New Mexico Sentencing Commission for a statewide study of bias-based policing by all law enforcement agencies. There is \$26,000 in the signed version of SB165 for this study. This appropriation will allow the NMSC to expand work already underway.

SB72: Appropriates \$150,000 to the Sentencing Commission to expand the existing Consolidated Offender Query to include real-time tracking of child abuse and neglect cases. This bill was tabled in SJC.

SCR2: "FISCAL IMPACT OF BILLS." States: During any session of the legislature, a bill that has a fiscal impact on the state, its agencies or institutions shall clearly identify the amount of the fiscal impact it has on each agency or institution before the bill can be introduced in either house. This resolution never made it out of Senate Rules Committee.

SM47: This memorial requests that the Legislative Finance Committee, the New Mexico Sentencing Commission and the Department of Finance and Administration collaborate to establish a method, if feasible, to measure the fiscal impact of legislation that increases or decreases criminal penalties, creates new crimes, imposes or removes mandatory minimum terms of imprisonment, requires specific monitoring technology, or modifies the law in such a way that the time served in prison or on probation or parole increases or decreases. Asks that we determine what computer models, technology, research, data and personnel are necessary to enable the committee to timely generate fiscal impact reports on legislation impacting criminal penalties, and that we report their findings to the appropriate committee during interim 2008. This Senate Memorial passed the Senate. NMSC staff will follow up with both LFC and DFA shortly after the session.

Bill: HB33
Sponsors: Cote (D53)
Title: INTERVENTION FOR DOMESTIC VIOLENCE
Summary: Amends the Domestic Violence Treatment Fund to allow for payment of treatment of persons not convicted of domestic violence who are referred into treatment by a judge, domestic violence commissioner or the parole board, or who voluntarily submit to treatment.

Progress: 2nd House: Passed
Status: 02/12/2008 – House concurred with Senate amendments
History: 02/12/2008—S Opened for floor debate.
 02/12/2008—S Passed 37-0.
 02/12/2008—H House concurred with Senate amendments.
Comments: NMSC Legislative Committee voted 12-0 to support this bill

Bill: HB48
Sponsors: Wirth (D47)
Title: FIRST JUDICIAL DISTRICT MENTAL HEALTH PROGRAM
Summary: Appropriates \$264,000 (GF) to the First Judicial District Court for an adult mental health court program to be used to provide salary and benefits for a program manager and court clinician and contractual services for treatment costs.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – House Appropriations and Finance Committee
History: 01/22/2008—H Reported Do Pass by House Judiciary.
Comments: Identical to SB63. The NMSC Legislative Committee voted to support all bills which are in alignment with the judicial Unified Budget

Bill: HB49
Sponsors: Wirth (D47)
Title: REVIEW OF APPEALS OF DWI CASES TO DISTRICT COURTS
Summary: Appropriates \$22,274 (GF) to the New Mexico Sentencing Commission for a project to review the prevalence and results of all de novo appeals of DWI cases to district courts in New Mexico over a three-year period, excluding Bernalillo County.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – House Appropriations and Finance Committee
History: 01/22/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC will support all research requests which it can accomplish and which are adequately funded.

Bill: HB100
Sponsors: Martinez, W. (D69)
Title: IGNITION INTERLOCK DEVICES
Summary: The Interlock Ignition Licensing Act is amended to extend jail-time penalties to also include drunk drivers who tamper or interfere with the proper operation of an ignition-interlock device. Violators would be subject to the same penalties as driving with a revoked license while intoxicated (a seven-day or longer jail sentence and fine in the \$300 to \$1,000 range). Current law requires anyone convicted of DWI to use an ignition-interlock device.
Progress: 2nd House: Passed
Status: 02/14/2008 – House concurred with Senate amendments
History: 02/14/2008—H House concurred with Senate amendments.
Comments: The NMSC Legislative Committee voted 6 to 5 with 2 abstentions to not support this bill. Some committee members expressed concern about the fiscal impact of the bill.

Bill: HB104
Sponsors: Chasey (D18)
Title: MURDER VICTIM FAMILY SERVICES
Summary: (For the Courts, Corrections and Justice Committee) Creates the Murder Victim Family Services Fund for awarding grants to nonprofit agencies for victim advocacy and support for persons whose family members were murdered.

The Crime Victims Reparation Act is also amended to provide for children under 26 years of age to be eligible for reparation awards of up to \$10,000.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – House Appropriations and Finance Committee
History: 01/22/2008—H Reported Do Pass as amended by House Judiciary.
Comments: The NMSC Legislative Committee voted 14-0 to support this bill

Bill: HB105
Sponsors: Swisstack (D60)
Title: ENHANCED SENTENCES FOR GANG CRIMES
Summary: Provides for enhanced prison sentences for persons convicted of certain felonies when the crime was committed at the direction of or in association with a criminal gang and with the intent to promote criminal conduct by the gang.
Progress: 1st House: Referred to Committee
Status: 01/16/2008 – House Consumer and Public Affairs Committee
History: 01/16/2008—H Introduced and referred to House Consumer & Public Affairs.
 01/16/2008—H Also referred to House Judiciary.
Comments: The NMSC Legislative Committee voted 7-6 to not support this bill. There was a reference to a recent UNM study that surveyed law enforcement agencies in NM regarding gang membership and gang activity.

Bill: HB106
Sponsors: Swisstack (D60)
Title: CRIME OF RECRUITING STREET GANG MEMBERS
Summary: Creates and defines the crime of gang recruitment. Provides for enhanced penalties for recruitment of minors and for using threats or violence in recruitment.
Progress: 1st House: Referred to Committee
Status: 01/16/2008 – House Consumer and Public Affairs Committee
History: 01/16/2008—H Introduced and referred to House Consumer & Public Affairs.
 01/16/2008—H Also referred to House Judiciary.
Comments: The NMSC Legislative Committee voted 6 to 5 with 3 abstentions to support this bill. There was a reference to a recent UNM study that surveyed law enforcement agencies in NM regarding gang membership and gang activity.

Bill: HB109
Sponsors: Chasey (D18)
Title: CRIMINAL ARREST, CONVICTION AND INCARCERATION STUDY
Summary: Appropriates \$50,000 (GF) to the New Mexico Sentencing Commission to convene a task force to study the collateral consequences of criminal arrest, conviction and extended periods of incarceration and to make recommendations on how to neutralize or eliminate those consequences to the appropriate interim legislative committee before November 11, 2008.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – House Appropriations and Finance Committee
History: 01/22/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC will support research requests which it

can accomplish and which are adequately funded

Bill: HB136
Sponsors: Powdrell-Culbert (R44)
Title: 13TH JUDICIAL DISTRICT MENTAL HEALTH PROGRAM
Summary: Appropriates \$250,000 (GF) to the Thirteenth Judicial District Court to provide staff, contractual services and other operating costs for an adult mental health court program.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – House Appropriations and Finance Committee
History: 01/22/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted 11-3 to support this bill

Bill: HB144
Sponsors: Cervantes (D52)
Title: DRUG COURT FUNDING, CREATION AND EXPANSION
Summary: (For the Courts, Corrections and Justice Committee) Appropriates from the General Fund to the Administrative Office of the Courts the following:
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – House Appropriations and Finance Committee
History: 01/22/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: HB193
Sponsors: Park (D26)
Title: REORGANIZATION: PUBLIC DEFENDER DEPARTMENT
Summary: (For the Courts, Corrections and Justice Committee) (Similar to 2007 HJC Substitute for HB348) Amends the Public Defender Act to create an 11-member Public Defender Commission, administratively attached to the Public Defender Department. The commission would have independent oversight of the department and provide policy guidance to the chief public defender in administering the department. It would also appoint the chief public defender.
Progress: 2nd House: Passed
Status: 02/14/2008 – Passed in the Senate
History: 02/14/2008—S Opened for floor debate. 02/14/2008—S Passed 34-2.
Comments: The NMSC Legislative Committee voted 9-4 to table this bill. The NMSC Legislative Committee has not been able to reach any consensus on this proposal.

Bill: HB195
Sponsors: Crook (R64)
Title: BERNALILLO COUNTY REHAB FACILITY
Summary: Appropriates \$3.2 million (GF) to the Department of Finance and Administration to operate a Bernalillo County residential rehab facility for persons who have been ordered to the facility by a New Mexico court.
Progress: 1st House: Referred to Committee

Status: 01/24/2008 – House Appropriations and Finance Committee
History: 01/24/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted 8-0 with 5 abstentions to support this bill.

Bill: HB200
Sponsors: Maestas (D16)
Title: BERNALILLO COUNTY FIRST-TIME DWI OFFENDERS
Summary: Provides \$391,100 (GF) to the Bernalillo County Metropolitan Court to fund enhanced supervision of first-time DWI offenders.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – House Appropriations and Finance Committee
History: 01/24/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: HB206
Sponsors: Maestas (D16)
Title: BERNALILLO COUNTY DEFENDANTS BACKGROUND CHECK
Summary: (For the Courts, Corrections and Justice Committee) Appropriates \$298,000 (GF) to the Bernalillo County Metropolitan Court for background investigations of defendants posting bond or responding to criminal summonses.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – House Appropriations and Finance Committee
History: 01/24/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: HB223
Sponsors: Maestas (D16)
Title: CRIMINAL CONVICTION EMPLOYMENT BARRIERS
Summary: (For the Courts, Corrections and Justice Committee) Appropriates \$170,000 (GF2009) to the Workforce Solutions Department to continue its task force review of barriers to public employment for persons with criminal convictions and make recommendations.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – House Appropriations and Finance Committee
History: 01/24/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted 12-1 to support this bill

Bill: HB224
Sponsors: Maestas (D16)
Title: FEMALE INMATE HEROIN TREATMENT PILOT PROJECT
Summary: (For the Courts, Corrections and Justice Committee) (Similar to 2007 HB528, 2006 HB56) Appropriates \$250,000 (GF) to the Department of Health, in collaboration with the Corrections Department, for a two-year pilot project to treat

with buprenorphine/naloxone up to 50 female prisoners who have a history of heroin or other opiate addiction and are imprisoned or about to be released on parole from the Grants and Camino Nuevo Correctional Facilities.

Progress: 2nd House: Reported from Committees

Status: 02/13/2008 – Senate Calendar

History: 02/13/2008—S Reported without recommendation by Senate Judiciary.

Comments: The NMSC Legislative Committee voted 13-0 to support this bill.

Bill: HB227

Sponsors: King (D50)

Title: STRENGTHEN DOMESTIC ABUSE AND STALKING LAWS

Summary: Amends the Criminal Code and Family Violence Protection Act to waive costs for all victims of domestic violence regardless of financial need. Also amends the act to change the definition of domestic abuse to include stalking, cyberstalking and sexual assault, whether or not committed by a household member, and to permit the use of force to defend one's self or another.

Progress: 2nd House: Passed

Status: 02/14/2008 – House concurred with Senate amendments

History: 02/14/2008—H House concurred with Senate amendments.

Comments: Supported 8-4 with 2 abstentions

Bill: HB252

Sponsors: Park (D26)

Title: SECOND JUDICIAL DISTRICT COMMUNITY CUSTODY

Summary: Appropriates \$250,000 (GF) to the Corrections Department for treatment in the Department's Community Custody Program at the Second Judicial District Drug Court.

Progress: 1st House: Referred to Committee

Status: 01/28/2008 – House Appropriations and Finance Committee

History: 01/28/2008—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.

Comments: The NMSC Legislative Committee voted 14-0 to support this bill.

Bill: HB254

Sponsors: Fox-Young (R30)

Title: MANDATORY LIFE SENTENCES

Summary: (Similar to 2007 HB522 and 2007 SB467) Adds eight felonies to the list of those considered violent felonies for the purpose of mandatory life sentencing under Sec. 31-18-23: voluntary manslaughter, third degree aggravated battery, third degree aggravated battery against a household member, second or third degrees shooting at a dwelling or occupied building, second degree aggravated arson, third degree aggravated battery on a peace officer, assault with intent to commit a violent felony upon a police officer, and aggravated assault upon a peace officer.

Progress: 1st House: Referred to Committee

Status: 01/21/2008 – House Rules Committee

History: 01/21/2008—H Introduced and referred to House Rules.

Comments: Tabled pending action by the House Rules Committee

Bill: HB270

Sponsors: Powdrell-Culbert (R44)

Title: BIAS-BASED POLICING STUDY

Summary: (Identical to 2007 HB942) Appropriates \$150,000 (GF) to the New Mexico Sentencing Commission to for a statewide study of bias-based policing by all law enforcement agencies. "Bias-based policing" is defined as the practice of targeting persons for suspected illegal activities using such noncriminal characteristics such as race, color, ethnicity, gender or other factors as the sole criteria in determining probable cause.

Related: 2007: HB942

Progress: 2nd House: Referred to Committee

Status: 02/11/2008 – Senate Finance Committee

History: 02/11/2008—S Reported without recommendation by Senate Judiciary.

Comments: The NMSC will conduct and complete all funded research requests from the Legislature. This bill would fund additional phases of this research project

Bill: HB271

Sponsors: Powdrell-Culbert (R44)

Title: SANDOVAL AND BERNALILLO COMMUNITY HOUSING FOR RELEASED PRISONERS

Summary: Appropriates \$250,000 (GF) to the DFA's Local Government Division for a community housing program in Sandoval and Bernalillo counties for persons released from prison, including those convicted of sex crimes.

Progress: 1st House: Referred to Committee

Status: 01/28/2008 – House Appropriations and Finance Committee

History: 01/28/2008—H Reported Do Pass as amended by House Judiciary.

Comments: The NMSC Legislative Committee voted 14-0 to support this bill.

Bill: HB277

Sponsors: King (D50)

Title: METHAMPHETAMINE PROTECTION FOR CHILDREN

Summary: Provides \$500,000 (GF) to the Office of the Attorney General for a statewide project that protects children against the negative consequences of methamphetamine.

Progress: 1st House: Referred to Committee

Status: 01/28/2008 – House Appropriations and Finance Committee

History: 01/28/2008—H Reported Do Pass by House Judiciary.

Comments: The NMSC Legislative Committee voted 12-2 to support this bill.

Bill: HB336

Sponsors: Maestas (D16)

Title: IMPROVEMENT OF CRIMINAL JUSTICE SYSTEM

Summary: Appropriates \$50,000 (GF) to DFA for Bernalillo County for a justice conference geared towards improvements to the criminal justice system.

Progress: 1st House: Referred to Committee

Status: 01/29/2008 – House Appropriations and Finance Committee

History: 01/29/2008—H Reported Do Pass by House Judiciary.

Comments: No action taken on this bill at 1/29 meeting.

Bill: HB337
Sponsors: Lujan, B. (D46)
Title: NO POLYGRAPH REQUIREMENT FOR VICTIMS
Summary: Prohibits a law enforcement officer from asking a crime victim to submit to a polygraph examination, or requiring it as a condition of proceeding with an investigation, charge or prosecution; nor may refusal to submit to a polygraph examination prevent law enforcement from proceeding with the work.
Progress: 2nd House: Passed
Status: 02/13/2008 – Passed in the Senate
History: 02/13/2008—S Opened for floor debate.
 02/13/2008—S Passed 36-0.
Comments: The NMSC Legislative Committee voted 14-0 to support this bill.

Bill: HB375
Sponsors: Rehm (R31)
Title: PROTECTING CRIMINAL JUSTICE OFFICIALS
Summary: (Identical to 2007's House Floor Amendment to HJC Substitute for HB1172) Creates a third degree felony for intimidating a criminal justice official, or a staff or family member, and a second degree felony for retaliating against a criminal justice official, or a staff or family member, in order to prevent or influence a ruling, prosecution, testimony or investigation. Retaliation is causing or threatening to cause bodily injury or property damage.
Related: 2007: HB1172
Progress: 2nd House: Referred to Committee
Status: 02/09/2008 – Senate Judiciary Committee
History: 02/09/2008—S Received in the Senate and referred to Senate Judiciary.
Comments: The NMSC Legislative Committee voted 14-0 to support this bill in concept but expressed concerns regarding broadness and inclusion of the element "intimidation" in bill.

Bill: HB410
Sponsors: Rehm (R31)
Title: COUNTY DETENTION REIMBURSEMENTS
Summary: Appropriates \$30 million (GF) to the County Detention Facility Reimbursement Fund for reimbursement to counties for housing felony offenders as provided by the County Detention Facility Reimbursement Act.
Progress: 1st House: Referred to Committee
Status: 01/29/2008 – House Appropriations and Finance Committee
History: 01/29/2008—H Reported Do Pass by House Judiciary.
Comments: There is already \$5 million recurring funding in HB2 as a result of last year's HB316. This bill seeks an additional \$5million. No action taken at 1/29 meeting of NMSC Legislative Committee.

Bill: HB417
Sponsors: King (D50)
Title: COUNTY DETENTION REIMBURSEMENT
Summary: (Similar to HB410) Appropriates \$5,000,000 (GF) to the County Detention Facility Reimbursement Fund.
Progress: 1st House: Referred to Committee
Status: 01/29/2008 – House Appropriations and Finance Committee

History: 01/29/2008—H Reported Do Pass by House Judiciary.
Notes: There is already \$5 million recurring funding in HB2 as a result of last year's HB316. This bill seeks an additional \$5million.
Comments: No action taken at 1/29 meeting of NMSC Legislative Committee.

Bill: HB421
Sponsors: King (D50)
Title: TORRANCE COUNTY DRUG COURT
Summary: Appropriates \$50,000 (GF) to the Seventh Judicial District to start a drug court in Torrance County.
Progress: 1st House: Referred to Committee
Status: 01/29/2008 – House Appropriations and Finance Committee
History: 01/29/2008—H Reported Do Pass by House Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills which are in alignment with the judicial Unified Budget

Bill: HB439
Sponsors: Saavedra (D10)
Title: ADDITIONAL DISTRICT AND METRO JUDGES
Summary: HAFC Substitute for HB439 retains all the provisions from the original bill to provide an additional judge and related funding of \$217,535 in the 1st, 3rd, 8th and 13th Judicial District Courts and \$210,572 to the Bernalillo District Metropolitan Court. The substitute provides additional funding for the District Attorneys and Public Defenders in the same districts to cover salaries and benefits, furniture, supplies and equipment for additional staff due to increased court workloads, and in the case of the Public Defenders also for contractual services, in the following amounts:
Progress: 2nd House: Referred to Committee
Status: 02/11/2008 – Senate Finance Committee
History: 02/11/2008—S Reported without recommendation by Senate Judiciary.
Notes: This is the Judiciary's Unified Budget top priority request
Comments: The NMSC Legislative Committee voted to support all bills which are in alignment with the judicial Unified Budget.

Bill: HB474
Sponsors: Varela (D48)
Title: ANTI-ADDICTION MEDICATION AT WOMEN'S PRISON
Summary: Provides \$250,000 (GF) to DOH to support a buprenorphine pilot project at the New Mexico Women's Prison to test anti-addiction medication therapy.
Progress: 1st House: Referred to Committee
Status: 01/25/2008 – House Judiciary Committee
History: 01/25/2008—H Introduced and referred to House Judiciary.
 01/25/2008—H Also referred to House Appropriations & Finance.
Comments: During the 2/5 NMSC Legislative Committee the committee was informed that HB 224 will be the vehicle for this project.

Bill: HB479
Sponsors: Foley (R57)

Title: REIMBURSE COUNTIES FOR FELONY INCARCERATION
Summary: Provides \$29,723,989 (GF) to the County Detention Facility Reimbursement Fund to reimburse counties for costs incurred for incarceration of felony offenders.
Progress: 1st House: Referred to Committee
Status: 01/31/2008 – House Appropriations and Finance Committee
History: 01/31/2008—H Reported Do Pass by House Judiciary.
Comments: There is already \$5 million recurring funding in HB2 as a result of last year's HB316. This bill seeks an additional \$5million. No action taken at 1/29 meeting of NMSC Legialtive Committee.

Bill: HB488
Sponsors: Maestas (D16)
Title: TREATMENT FOR SUBSTANCE ABUSE IN LIEU OF PROSECUTION
Summary: Empowers the court to delay proceedings for possession of a controlled substance, and order substance abuse treatment, for up to one year, with the consent of the suspect. Upon completion of treatment, the charges will be dismissed and arrest records expunged. If suspect fails to complete the treatment, the criminal charges may be reinstated. Also applies to parole and probation violations involving use of a controlled substance.
Progress: 1st House: Referred to Committee
Status: 02/07/2008 – House Appropriations and Finance Committee
History: 02/07/2008—H Reported Do Pass as amended by House Judiciary.
Comments: The NMSC Legislative Committee voted 13-1 to support this bill.

Bill: HB491
Sponsors: King (D50)
Title: AVOIDING STATE CUSTODY FOR CHILDREN OF INCARCERATED PARENTS
Summary: Provides \$500,000 (GF) to the Children, Youth and Families Department to help, through the Children's Trust Fund, to avoid unnecessarily taking children into custody when their parents are incarcerated by creating points of contact with community providers to provide such children a safe place and to link them with appropriate services.
Progress: 1st House: Referred to Committee
Status: 01/31/2008 – House Appropriations and Finance Committee
History: 01/31/2008—H Reported Do Pass as amended by House Judiciary.
Comments: The NMSC Legislative Committee voted 14-0 to support this bill.

Bill: HB526
Sponsors: Anderson (R29)
Title: HABITUAL OFFENDERS' DUI SENTENCING
Summary: Provides that a felony conviction for DUI will be treated like any other felony for habitual offender sentencing purposes. This would allow the sentence to be increased by the statutorily prescribed amount.
Progress: 1st House: Referred to Committee
Status: 01/28/2008 – House Rules Committee
History: 01/28/2008—H Introduced and referred to House

Rules.
Comments: Tabled pending action by the House Rules Committee.

Bill: HB533
Sponsors: Martinez, W. (D69)
Title: GRANTS DROPOUT AND TRUANCY PREVENTION
Summary: Provides \$50,000 (GF) to the Public Education Department to support a dropout and truancy prevention program in Grants.
Progress: 1st House: Referred to Committee
Status: 02/04/2008 – House Appropriations and Finance Committee
History: 02/04/2008—H Reported Do Pass by House Education.
Comments: The NMSC Legislative Committee voted 11-1 with 2 abstentions to support this bill.

Bill: HB568
Sponsors: Martinez, Rudolpho (D39)
Title: SIXTH JUDICIAL DISTRICT COURT SERVICES
Summary: Provides \$270,000 (GF) to the 6th Judicial District Court for juvenile and adult offender restorative justice services including mediation, community conferencing and justice circles.
Progress: 1st House: Referred to Committee
Status: 02/02/2008 – House Appropriations and Finance Committee
History: 02/02/2008—H Reported Do Pass by House Judiciary.
Comments: This bill is supported as part of the Unified Budget.

Bill: HB576
Sponsors: King (D50)
Title: RESTORATIVE JUSTICE IN SANTA FE
Summary: Appropriates \$100,000 (GF) to the Public Education Department to expand the Restorative Justice Program in Santa Fe Public Schools.
Progress: 1st House: Referred to Committee
Status: 02/04/2008 – House Appropriations and Finance Committee
History: 02/04/2008—H Reported Do Pass by House Education.
Comments: The NMSC Legislative Committee voted 12-0 with 2 abstentions to support this bill.

Bill: HB578
Sponsors: King (D50)
Title: DEADLY WEAPONS: SCHOOL PREMISES DEFINITION
Summary: Adds buildings and grounds of public post-secondary educational institutions to the definition of "school premises" for establishing the crime of carrying a deadly weapon on school premises.
Progress: 1st House: Referred to Committee
Status: 01/29/2008 – House Rules Committee
History: 01/29/2008—H Introduced and referred to House Rules.
Comments: Tabled pending action by the House Rules Committee.

Bill: HB591
Sponsors: Rehm (R31)
Title: MOTOR VEHICLES: NEW CRIMES CREATED
Summary: Creates the crimes of embezzlement of a motor

vehicle consisting of a person converting to his own use a vehicle entrusted to him with the fraudulent intent to deprive the owner of its use, and obtaining a motor vehicle through fraudulent conduct, practices or representations.

Progress: 1st House: Referred to Committee
Status: 01/29/2008 – House Rules Committee
History: 01/29/2008—H Introduced and referred to House Rules.
Comments: Tabled pending action by the House Rules Committee.

Bill: HB592
Sponsors: Rehm (R31)
Title: DWI FOR ANY DETECTABLE SUBSTANCE
Summary: Amends the Motor Vehicle Code to make it a DWI offense to drive a vehicle while any detectable trace of an illegally possessed controlled substance, or its metabolites, is in the driver's blood without regard to whether the driver is impaired.

Progress: 1st House: Referred to Committee
Status: 01/29/2008 – House Rules Committee
History: 01/29/2008—H Introduced and referred to House Rules.
Comments: Tabled pending action by the House Rules Committee.

Bill: HB630
Sponsors: Vigil (D70)
Title: SUBSTANCE ABUSE PROGRAM
Summary: Appropriates \$96,000 (GF) to the Department of Finance for a substance abuse program in San Miguel County.

Progress: 1st House: Referred to Committee
Status: 02/02/2008 – House Appropriations and Finance Committee
History: 02/02/2008—H Reported Do Pass by House Judiciary.
Comments: Supported in concept 12-0 with 2 abstentions

Bill: HJM9
Sponsors: Rodella (D41)
Title: TECHNOLOGY AND STALKING CRIMES
Summary: (For the Information Technology and Telecommunications Oversight Committee) Requests the Secretary of Public Safety to convene a task force consisting of specified members of the law enforcement community and additional members as deemed necessary, to study the use of technology by stalkers and recommend legislation to adequately protect New Mexicans from the crime of stalking. The task force is to report its findings to the governor, the Information Technology and Telecommunications Oversight Committee and the appropriate interim Legislative committee by November 1, 2008.

Progress: 2nd House: Referred to Committee
Status: 02/10/2008 – Senate Judiciary Committee
History: 02/10/2008—S Reported Do Pass by Senate Rules.
Comments: The NMSC Legislative Committee voted 14-0 to support this memorial.

Bill: HJM10
Sponsors: Chasey (D18)
Title: IMPROVING CONDITIONS FOR FEMALE INMATES
Summary: (Identical to HM3) Requests the Secretary of

Corrections to assemble a task force to implement the recommendations made regarding unique needs of female inmates in the study performed pursuant to Senate Joint Memorial 48 passed by the 2002 Legislature. Requests that the task force also review programs, policies and procedures at the two female correctional institutions, encourage local partnerships to assist in female inmate community reintegration, implement national correctional guidelines if feasible and report back to the appropriate interim Legislative committee prior to the next legislative session.

Related: 2008:HM3
Progress: 1st House: Referred to Committee
Status: 01/17/2008 – House Judiciary Committee
History: 01/17/2008—H Introduced and referred to House Judiciary.
Comments: The NMSC Legislative Committee voted 11-3 to support this memorial.

Bill: HJM13
Sponsors: Maestas (D16)
Title: CRIMINAL OFFENDER EMPLOYMENT ACT
Summary: Directs state agencies to comply with all provisions of the Criminal Offender Employment Act, including its presumption of sufficient rehabilitation. State agencies are required to cooperate with the Workforce Solutions Department and a task force created by the Legislature in 2007 to understand and consistently apply the act.

Progress: 2nd House: Reported from Committees
Status: 02/13/2008 – Senate Calendar
History: 02/13/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted 14-0 to support this memorial.

Bill: HJM22
Sponsors: Swisstack (D60)
Title: EFFECITVE COUNTY JAIL MANAGEMENT
Summary: Resolves that the Legislature must recognize that current New Mexico law is insufficient to permit counties to effectively manage county jail operations. Requests that an interim committee, in collaboration with the New Mexico Association of Counties, study the current laws related to jail operations, report its findings and make recommendations for new legislation to remedy problems.

Progress: 2nd House: Passed
Status: 02/14/2008 – Passed in the Senate
History: 02/14/2008—S Opened for floor debate. 02/14/2008—S Passed 34-0.
Comments: The NMSC Legislative Committee voted 14-0 to support this memorial with suggestion to add NMCD to list of participants.

Bill: HM3
Sponsors: Chasey (D18)
Title: IMPROVING CONDITIONS FOR FEMALE INMATES (Identical to HJM10)
Summary: Requests the Secretary of Corrections to assemble a task force to implement the recommendations made regarding unique needs of female inmates in the study performed pursuant to Senate Joint Memorial 48 passed by the 2002 Legislature. Requests that the task force also review programs, policies and procedures at the two female correctional institutions, encourage

local partnerships to assist in female inmate community reintegration, implement national correctional guidelines if feasible and report back to the appropriate interim Legislative committee prior to the next legislative session.

Related: 2008:HJM10; 2008:SM33
Progress: 1st House: Passed
Status: 02/01/2008 – Signed by Officers of House
History: 02/01/2008—H Enrolled and engrossed.
 02/01/2008—H Signed by Officers of House.
Comments: The NMSC Legislative Committee voted 11-3 to support this memorial.

Bill: HM8
Sponsors: Park (D26)
Title: IMPLEMENT MISSOURI JUVENILE JUSTICE MODEL
Summary: Requests the Children, Youth and Families Department to implement the model of juvenile justice used by the State of Missouri, which has low recidivism rates, at the J. Paul Taylor center in Dona Ana County.
Progress: 1st House: Passed
Status: 02/01/2008 – Signed by Officers of House
History: 02/01/2008—H Enrolled and engrossed.
 02/01/2008—H Signed by Officers of House.
Comments: The NMSC Legislative Committee voted 14-0 to support this memorial.

Bill: HM12
Sponsors: Rodella (D41)
Title: AOC MAGISTRATE PROBATION SERVICES STUDY
Summary: Requests the Administrative Office of the Courts to convene a task force to study methods for resolving the need for probation services in the magistrate courts. The task force is to be composed of representatives from Adult Probation and Parole Division, Magistrate Judges Association, and other interested entities or organizations.
Progress: 1st House: Passed
Status: 02/01/2008 – Signed by Officers of House
History: 02/01/2008—H Enrolled and engrossed.
 02/01/2008—H Signed by Officers of House.
Comments: The NMSC Legislative Committee voted 14-0 to support this memorial.

Bill: HM23
Sponsors: Maestas (D16)
Title: COUNSELING AND TREATMENT DATABASE
Summary: Requests the Human Services Department and the Department of Health to create a database of substance abuse programs and domestic violence and anger management counseling and treatment programs. The information would be made available to providers, health and psychological professionals and others who may need to refer clients for treatment. Representatives from the departments must provide an update to the interim Legislative Health and Human Services Committee.
Progress: 1st House: Passed
Status: 02/07/2008 – Signed by Officers of House
History: 02/07/2008—H Enrolled and engrossed.
 02/07/2008—H Signed by Officers of House.
Comments: The NMSC Legislative Committee voted 14-0 to support this memorial.

Bill: HM39
Sponsors: Maestas (D16)

Title: AGENCY COMPLIANCE WITH CRIMINAL OFFENDER EMPLOYMENT ACT
Summary: Asks that state agencies be directed to comply with the Criminal Offender Employment Act, specifically that they apply the presumption of sufficient rehabilitation. Asks further that each state agency cooperate with the Workforce Solutions Department and a task force to develop better understanding and consistent application of the act.
Progress: 1st House: Passed
Status: 02/06/2008 – Signed by Officers of House
History: 02/06/2008—H Enrolled and engrossed.
 02/06/2008—H Signed by Officers of House.

Bill: SB9
Sponsors: Rawson (R37)
Title: ADDITIONAL MAGISTRATE FOR DONA ANA
Summary: Creates a new division of the Dona Ana County Magistrate Court. Requires the judge of the new division to be a member of the New Mexico Bar with three years of practice in the state. The position would be filled by the governor with the appointee to begin serving on January 1, 2009. Appropriates \$70,899 (FY2009) for salary, benefits, furniture and supplies for the new magistrate.
Progress: 1st House: Referred to Committee
Status: 02/04/2008 – Senate Finance Committee
History: 02/04/2008—S Reported Do Pass as amended by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget, however the substantive change of magistrate requirements was not supported.

Bill: SB10
Sponsors: Rawson (R37)
Title: ADDITIONAL JUDGE FOR THIRD JUDICIAL DISTRICT
Summary: Creates a ninth judge position on the Third Judicial District Court to be filled by the governor and later be subject to election. Appropriates \$217,535 for salaries, furniture and equipment.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – Senate Finance Committee
History: 01/24/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: SB11
Sponsors: Rawson (R37)
Title: ADDITIONAL THIRD DISTRICT COURT STAFF
Summary: Provides \$392,400 (GF) to the Third Judicial District Court for seven new full-time positions: a legal office specialist, a human resources specialist, a procurement specialist and four clerks.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – Senate Finance Committee
History: 01/24/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: SB12
Sponsors: Rawson (R37)
Title: EXPAND THIRD DISTRICT JUVENILE DRUG COURT
Summary: Provides \$27,200 (GF) to the Administrative Office of the Courts to expand and enhance the Juvenile Drug Court in the Third Judicial District.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – Senate Finance Committee
History: 01/24/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: SB63
Sponsors: Grubestic (D25)
Title: FIRST JUDICIAL DISTRICT ADULT MENTAL HEALTH PROGRAM
Summary: Appropriates \$264,000 (GF) to the First Judicial District Court for an adult mental health court program. Appropriation may be used for salary and benefits for program manager, court clinician and contractual services for treatment costs.
Progress: 1st House: Referred to Committee
Status: 01/23/2008 – Senate Finance Committee
History: 01/23/2008—S Reported Do Pass by Senate Public Affairs.
Comments: Supported 12-0

Bill: SB68
Sponsors: Adair (R33)
Title: DOMESTIC VIOLENCE PENALTIES
Summary: Increases the penalty from a misdemeanor to a fourth degree felony upon conviction of a third offense of battery on a household member, or conviction of a third offense of aggravated battery on a household member that is not likely to cause death or great bodily injury, or any combination thereof. On conviction of a fourth or subsequent offense, the penalty is increased to a third degree felony. Provides that the enhanced penalty provisions will apply only where the household member victim is a spouse, a former spouse, a co-parent of a child or a person with whom the offender has had a dating or intimate relationship. Requires convicted offenders to participate in and complete either an intervention program or a domestic violence treatment program approved by the Children, Youth and Families Department. Effective date of July 1, 2008.
Progress: Governor
Status: 02/13/2008 – Sent to the Governor
History: 02/13/2008—H Signed by Officers of House.
Comments: The NMSC Legislative Committee voted 8-3 with 2 abstentions to support this bill.

Bill: SB71
Sponsors: Garcia, Mary Jane (D36)
Title: HUMAN TRAFFICKING
Summary: Creates a new crime to prohibit "human trafficking which consists of recruiting, enticing, soliciting, or transporting any person, with the knowledge or intent that fraud or coercion will be used to force that person to perform labor, services or commercial sexual activity. Also makes anyone who benefits or receives value from these acts liable for the crime.

Progress: 2nd House: Passed
Status: 02/13/2008 – Senate concurred with House amendments
History: 02/13/2008—S Senate concurred with House amendments.
Comments: The NMSC Legislative Committee voted 9-2 with 2 abstentions to support this bill.

Bill: SB72
Sponsors: Garcia, Mary Jane (D36)
Title: PROTOCOLS FOR CHILD ABUSE INVESTIGATIONS
Summary: Mandates that all investigations child abuse and neglect cases be conducted according to approved protocols. Creates the Child Advocacy Advisory Council (CAAC) to adopt model protocols for the investigations and to approve protocols developed by a multidisciplinary child abuse investigatory team in each judicial district. The teams are composed of local officials, local law enforcement and expert medical professionals. CAAC members will receive reimbursement for expenses. Appropriates \$260,000 to the CAAC with not more than \$5,000 distributed annually to each judicial district, for FY 2009 through 2012. Appropriates \$150,000 to the Sentencing Commission to complete expansion real-time information system for law enforcement and officials about child abuse and neglect cases..
Progress: 1st House: Referred to Committee
Status: 01/28/2008 – Senate Judiciary Committee
History: 01/28/2008—S Reported Do Pass as amended by Senate Public Affairs.
Comments: At the 2/5 meeting of the NMSC Legislative Committee, the committee was advised that this bill was tabled in Senate Judiciary. No action was taken.

Bill: SB96
Sponsors: Papen (D38)
Title: DONA ANA MENTALLY ILL DETAINEES SERVICES
Summary: Appropriates \$180,000 (GF) to DFA's Local Government Division to provide shelter, medications and assessment for nonviolent mentally ill misdemeanor detainees in Dona Ana County.
Progress: 1st House: Referred to Committee
Status: 01/25/2008 – Senate Finance Committee
History: 01/25/2008—S Reported Do Pass by Senate Public Affairs.
Comments: Supported 12-0

Bill: SB98
Sponsors: Papen (D38)
Title: DONA ANA COURT MENTAL HEALTH TRIAGE
Summary: Appropriates \$172,000 (GF) to DFA's Local Government Division to provide pretrial triage services in Dona Ana County Magistrate Court for nonviolent, mentally ill misdemeanor detainees.
Progress: 1st House: Referred to Committee
Status: 01/25/2008 – Senate Finance Committee
History: 01/25/2008—S Reported Do Pass by Senate Public Affairs.
Comments: Supported 12-0

Bill: SB136
Sponsors: Leavell (R41)
Title: INSURANCE FRAUD PENALTIES

Summary: Amends the Insurance Code to permit aggregation of losses resulting from fraudulent claims or proofs of loss perpetrated against an insurer to determine the applicable penalty. Also provides that the time limitation for prosecution of the fraud would begin when the last violation is committed.

Progress: 1st House: Referred to Committee

Status: 01/16/2008 – Senate Committee on Committees

History: 01/16/2008—S Introduced and referred to Senate Committee on Committees.
01/16/2008—S Also referred to Senate Corporations & Transportation.
01/16/2008—S Also referred to Senate Judiciary.

Comments: The NMSC Legislative Committee voted 8-5 to support this bill. Offense schedule is in alignment with other criminal statutes regarding property offenses.

Bill: **SB137**

Sponsors: Ryan (R10)

Title: BERNALILLO COUNTY REHAB FACILITY

Summary: Appropriates \$3.2 million (GF) to the Department of Finance and Administration to contract with a private entity in Bernalillo County to operate a residential rehabilitation and transition facility for persons who have been ordered to the facility by a New Mexico court.

Progress: 1st House: Referred to Committee

Status: 01/25/2008 – Senate Finance Committee

History: 01/25/2008—S Reported Do Pass by Senate Public Affairs.

Comments: The NMSC Legislative Committee voted 8-0 with 5 abstentions to support this bill.

Bill: **SB151**

Sponsors: Leavell (R41)

Title: RACKETEERING ACT EXPANDED

Summary: Adds the crime of false insurance application, claim or proof of loss as an offense under the Racketeering Act.

Progress: 1st House: Referred to Committee

Status: 01/16/2008 – Senate Committee on Committees

History: 01/16/2008—S Introduced and referred to Senate Committee on Committees.
01/16/2008—S Also referred to Senate Corporations & Transportation.
01/16/2008—S Also referred to Senate Judiciary.

Comments: The NMSC Legislative Committee tabled this bill at its 1/29 meeting.

Bill: **SB155**

Sponsors: Garcia, Mary Jane (D36)

Title: DOMESTIC VIOLENCE SERVICES STATEWIDE

Summary: Provides \$3 million (GF) to the Children, Youth and Families Department to contract with domestic violence programs statewide to provide shelter care, child and adolescent counseling, family counseling and crisis intervention for victims of domestic violence and their children.

Progress: 1st House: Referred to Committee

Status: 01/25/2008 – Senate Finance Committee

History: 01/25/2008—S Reported Do Pass by Senate Public Affairs.

Comments: The NMSC Legislative Committee voted 13-0 to support this bill.

Bill: **SB193**

Sponsors: Ortiz y Pino (D12)

Title: ANTITERRORISM ACT AMENDMENTS

Summary: (Identical to 2007 HJC Substitute for HB653) Adds definitions to the Antiterrorism Act for "act of terrorism" and "weapon of mass destruction." Removes "civil disorder" as a terrorist act. Increases penalties for terrorist crimes.

Related: 2007:HB653

Progress: 1st House: Referred to Committee

Status: 01/25/2008 – Senate Judiciary Committee

History: 01/25/2008—S Reported Do Pass as amended by Senate Public Affairs.

Comments: The NMSC Legislative Committee voted 8-5 not to support this bill.

Bill: **SB197**

Sponsors: Carraro (R23)

Title: HABITUAL OFFENDER SENTENCING: DUI FELONIES

Summary: Includes a felony conviction for DUI as a prior offense when sentencing habitual offenders.

Progress: 1st House: Referred to Committee

Status: 02/01/2008 – Senate Judiciary Committee

History: 02/01/2008—S Reported Do Pass by Senate Public Affairs.

Comments: The NMSC Legislative Committee voted 11-3 not to support this bill.

Bill: **SB201**

Sponsors: Carraro (R23)

Title: SEXUAL PREDATOR CIVIL COMMITMENT ACT

Summary: (Identical to 2007 SB452, 2006 SB671) Sets forth a legislative finding that there is an extremely dangerous group of sexually violent predators with mental disorders who are likely to engage in continued acts of sexual violence unless they receive treatment. Points out the inadequacy of existing civil-commitment procedures for this group and the need to house such persons in a setting separate from those otherwise committed.

Progress: 1st House: Referred to Committee

Status: 01/22/2008 – Senate Judiciary Committee

History: 01/22/2008—S Reported germane by Senate Committee on Committees.

Comments: The NMSC Legislative Committee voted 12-1 to not support this bill.

Bill: **SB204**

Sponsors: Carraro (R23)

Title: SEX OFFENDER REGISTRATION REQUIREMENTS

Summary: (Similar to 2007 SB450, 2006 SB669) Requires sex offenders to register with local authorities within 72 hours instead of 10 days, including visitors to the state, new residents and those released from custody. Requires 72-hour notice to authorities of any changes of residency, employment or schooling including notification to the county sheriff with whom the offender last registered.

Progress: 1st House: Referred to Committee

Status: 02/01/2008 – Senate Judiciary Committee

History: 02/01/2008—S Reported Do Pass by Senate Public Affairs.

Comments: The NMSC Legislative Committee voted 12-2 to not support this bill.

Bill: **SB213**

Sponsors: Martinez, Richard (D5)

Title: ADMINISTRATIVE OFFICE OF THE COURTS OPERATING COSTS
Summary: (For the Courts, Corrections and Justice Committee) Appropriates \$500,000 (GF) to the Administrative Office of the Courts for operational costs.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – Senate Finance Committee
History: 01/24/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: SB214
Sponsors: Martinez, Richard (D5)
Title: BERNALILLO MENTAL HEALTH COURTS
Summary: (For the Courts, Corrections and Justice Committee) Appropriates money from the General Fund to the Administrative Office of the Courts disbursed as follows: \$223,300 for the Mental Health Court at the Bernalillo County Metropolitan Court; \$418,300 for the Mental Health Courts in the First and Eleventh Judicial Districts.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – Senate Finance Committee
History: 01/24/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: SB224
Sponsors: Neville (R2)
Title: ALLOWING SEX OFFENDER RESIDENCE RESTRICTIONS
Summary: Allows local governments to impose residence restrictions on known sex offenders.
Progress: 1st House: Referred to Committee
Status: 02/08/2008 – Senate Judiciary Committee
History: 02/08/2008—S Reported Do Pass by Senate Public Affairs.
Comments: The NMSC Legislative Committee tabled this bill pending action by the Senate Committee on Committees.

Bill: SB254
Sponsors: Morales (D28)
Title: SIXTH JUDICIAL DISTRICT RESTORATIVE JUSTICE
Summary: (For the Courts, Corrections and Justice Committee) Appropriates \$270,000 (GF) to the Sixth Judicial District Court for juvenile and adult offender restorative justice services.
Progress: 1st House: Referred to Committee
Status: 01/24/2008 – Senate Finance Committee
History: 01/24/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted to support all bills such as this bill which are in alignment with the judicial Unified Budget

Bill: SB316
Sponsors: Boitano (R18)
Title: PREGNANT WOMEN TAKING DRUGS A CRIME
Summary: Makes it a misdemeanor crime for a pregnant woman to consume a controlled substance. Applies to women who know or should know that they are

pregnant. Also applies to a person causing a pregnant woman to consume a controlled substance.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – Senate Committee on Committees
History: 01/22/2008—S Introduced and referred to Senate Committee on Committees.
 01/22/2008—S Also referred to Senate Public Affairs.
 01/22/2008—S Also referred to Senate Judiciary.
Comments: The NMSC Legislative Committee voted 10-3 with 1 abstention not to support this bill.

Bill: SB334
Sponsors: Ulibarri (D30)
Title: CIBOLA COUNTY SUBSTANCE ABUSE CENTER
Summary: Appropriates \$10 million (GF) to the Department of Health for a substance abuse treatment facility in Cibola County to service northwest New Mexico including McKinley County.
Progress: 1st House: Referred to Committee
Status: 01/30/2008 – Senate Finance Committee
History: 01/30/2008—S Reported Do Pass as amended by Senate Public Affairs.
Comments: The NMSC Legislative Committee voted 14-0 to support this bill.

Bill: SB338
Sponsors: Grubestic (D25)
Title: ENHANCED FELONY SENTENCES FOR PUBLIC OFFICIALS
Summary: (Similar to 2007's SB4) Increases the sentence that may be imposed on a public official convicted of a felony relating to the official's office by a fine not exceeding the salary and benefits paid to the official following the commission of the first act that was the basis for the felony. A public official is defined as a person elected or appointed to an office subject to the Campaign Reporting Act.
Related: 2007: SB4; 2007: SB338
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – Senate Committee on Committees
History: 01/22/2008—S Introduced and referred to Senate Committee on Committees.
 01/22/2008—S Also referred to Senate Public Affairs.
 01/22/2008—S Also referred to Senate Judiciary.
Comments: The NMSC Legislative Committee tabled this bill pending action by the Senate Committee on Committees.

Bill: SB378
Sponsors: Papen (D38)
Title: PHYSICAL RESTRAINT OF JUVENILES IN COURTROOMS
Summary: Prohibits a court from allowing physical restraints on children in the courtroom unless the court finds it reasonably necessary to maintain order, prevent escape, or provide for public safety. The court must provide the child and the child's attorney an opportunity to be heard before the restraint order is imposed.
Progress: 1st House: Referred to Committee
Status: 01/23/2008 – Senate Committee on Committees
History: 01/23/2008—S Introduced and referred to Senate Committee on Committees.
 01/23/2008—S Also referred to Senate Public Affairs.

Comments: 01/23/2008—S Also referred to Senate Judiciary. The NMSC Legislative Committee tabled this bill pending action by the Senate Committee on Committees.

Bill: SB446
Sponsors: Ortiz y Pino (D12)
Title: HIGH-RISK YOUTH MENTORING
Summary: Provides \$250,000 (GF) to the Children, Youth and Families Department to contract for a team mentoring project for high-risk youth in the Rio Grande Corridor who are paroled from CYFD and for high-risk youth in the greater Albuquerque-Rio Rancho area who are on probation.
Progress: 1st House: Referred to Committee
Status: 02/01/2008 – Senate Finance Committee
History: 02/01/2008—S Reported Do Pass by Senate Public Affairs.
Comments: The NMSC Legislative Committee voted 13-1 to support this bill.

Bill: SB452
Sponsors: Garcia, Mary Jane (D36)
Title: THIRD JUDICIAL DISTRICT COURT STAFF
Summary: Provides \$392,400 (GF) to the Third Judicial District Court for seven new full-time positions, including a legal office specialist, a human resources specialist, a procurement specialist and four clerks.
Progress: 1st House: Referred to Committee
Status: 01/28/2008 – Senate Judiciary Committee
History: 01/28/2008—S Reported germane by Senate Committee on Committees.
Comments: The NMSC Legislative Committee voted to support all bills which are part of the Judiciary Unified Budget.

Bill: SB469
Sponsors: Campos, P. (D8)
Title: INVESTIGATORS FOR PUBLIC DEFENDER
Summary: Appropriates \$600,000 (GF) to the Public Defender Department to contract for investigator services.
Progress: 1st House: Referred to Committee
Status: 02/04/2008 – Senate Finance Committee
History: 02/04/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted 12-1 with 1 abstention not to support this bill.

Bill: SB496
Sponsors: McSorley (D16)
Title: NEW CRIME INVOLUNTARY SERVITUDE
Summary: Creates the second-degree felony crime of involuntary servitude or knowingly subjecting a person to forced labor or services. In a prosecution for this crime, a victim could not be charged as an accessory. A conviction, in addition to any other punishment, would require that restitution be paid to the victim for the value of services rendered and other actual damages. Provides access to numerous state benefits by victims.
Progress: 1st House: Referred to Committee
Status: 01/29/2008 – Senate Committee on Committees
History: 01/29/2008—S Introduced and referred to Senate Committee on Committees.
 01/29/2008—S Also referred to Senate Judiciary.
 01/29/2008—S Also referred to Senate Finance.

Comments: The NMSC Legislative Committee tabled this bill pending action by the Senate Committee on Committees.

Bill: SB499
Sponsors: Griego (D39)
Title: TASK FORCE FOR DWI DRUNK PREVENTION TECHNOLOGY
Summary: Appropriates \$250,000 (GF) to the Alcohol and Gaming Division of the Regulation and Licensing Department for a newly-created 12-member DWI Drunk Prevention Technology Task Force. The task force will study the feasibility of implementing DWI drunk prevention technology that uses driver's licenses to electronically register the amount and type of alcohol purchased by the holder of a license from a business that sells or serves alcohol to the public.
Progress: 1st House: Referred to Committee
Status: 01/29/2008 – Senate Committee on Committees
History: 01/29/2008—S Introduced and referred to Senate Committee on Committees.
 01/29/2008—S Also referred to Senate Public Affairs.
 01/29/2008—S Also referred to Senate Finance.

Bill: SB534
Sponsors: Snyder (R15)
Title: TRAVELING DOMESTIC VIOLENCE ATTORNEY AND PARALEGAL
Summary: Appropriates \$250,000 (GF) to DFA's Local Government Division to pay for a full-time domestic violence attorney, advocate and paralegal based in Bernalillo County, and to take the "Have Justice, Will Travel" program into rural areas to provide domestic violence legal services and develop a three-year plan to make victims aware of the available service.
Progress: 1st House: Referred to Committee
Status: 02/04/2008 – Senate Finance Committee
History: 02/04/2008—S Reported Do Pass by Senate Judiciary.
Comments: The NMSC Legislative Committee voted 8-5 with 1 abstention to support this bill.

Bill: SCR2
Sponsors: McSorley (D16)
Title: LEGISLATIVE RULE CHANGE: BILL FISCAL IMPACT
Summary: Proposes to amend the House-Senate Joint Rules to require that bills with a fiscal impact on the state, its agencies and institutions could not be introduced without clearly identifying that impact.
Progress: 1st House: Referred to Committee
Status: 01/22/2008 – Senate Rules Committee
History: 01/22/2008—S Introduced and referred to Senate Rules.
 01/22/2008—S Also referred to Senate Finance.
Comments: The NMSC Legislative Committee voted 11-2 with 1 abstention to support this Resolution.

Bill: SJM14
Sponsors: McSorley (D16)
Title: CAMINO NUEVO CORRECTIONAL CENTER
Summary: Requests the Secretary of Corrections, the warden of the Camino Nuevo Correctional Center, the Corrections Corporation of America and other contractors to collaborate with the New Mexico

Women's Justice Project and other relevant members of the community in transforming the jail to provide educational and vocational assistance and allow for family integration and mother-child bonding in order to create a gender-specific low-security facility for women.

Related: 2008:SM33
Progress: 1st House: Referred to Committee
Status: 01/16/2008 – Senate Rules Committee
History: 01/16/2008—S Introduced and referred to Senate Rules.
 01/16/2008—S Also referred to Senate Judiciary.
Comments: The NMSC Legislative Committee voted 12-2 to support this Memorial.

Bill: **SJM19**
Sponsors: Lopez (D11)
Title: TRANSITIONAL RECOVERY PROGRAM FOR WOMEN
Summary: Encourages Bernalillo County to develop a transitional residential substance abuse treatment program for women with children, and encourages state agencies to identify sources of funding.
Progress: 2nd House: Passed
Status: 02/13/2008 – Signed by Officers of House
History: 02/13/2008—H Signed by Officers of House.
Comments: The NMSC Legislative Committee voted 14-0 to support this Joint Memorial

Bill: **SJM34**
Sponsors: Lopez (D11)
Title: STUDY JAIL OVERCROWDING
Summary: In response to the serious overcrowding of county jails and the cost of compliance with federal constitutional standards for confinement, the joint memorial requests an interim legislative committee and the New Mexico Association of Counties to study current law relating to jail operations and report its findings prior to the first session of the next Legislature.
Progress: 2nd House: Passed
Status: 02/14/2008 – Passed in the House
History: 02/14/2008—H Reported Do Pass by House Judiciary.
 02/14/2008—H Placed on House Calendar.
 02/14/2008—H Opened for floor debate.
 02/14/2008—H Passed 63-0.
Comments: The NMSC Legislative Committee voted 14-0 to support this Joint Memorial, with suggestion to add NMCD as a participant.

Bill: **SM33**
Sponsors: McSorley (D16)
Title: CAMINO NUEVO CORRECTIONAL CENTER
Summary: (Related to HM3; similar to SJM14) Requests the New Mexico Legislative Council to convene a task force including the state Corrections Department, the warden of Camino Nuevo, the Corrections Corporation of America, the Women's Justice Project, and others, to transform the jail to provide educational and vocational training, allow more family integration and mother-child bonding, and create a gender-specific approach to the low-security facility for women.
Related: 2008:HM3; 2008:SJM14
Progress: 1st House: Reported from Committees
Status: 02/12/2008 – Failed in the Senate
History: 02/12/2008—S Opened for floor debate.
 02/12/2008—S Failed to pass 15-20.

Comments: The NMSC Legislative Committee voted 14-0 to support this Memorial.

Bill: **SM38**
Sponsors: Lopez (D11)
Title: WOMEN'S TRANSITIONAL HOUSING PROGRAM
Summary: Encourages Bernalillo County and the Human Services Department to develop a transitional housing program for women recovering from substance abuse with children and identify funding sources for the program.
Progress: 1st House: Referred to Committee
Status: 01/30/2008 – Senate Rules Committee
History: 01/30/2008—S Introduced and referred to Senate Rules.
 01/30/2008—S Also referred to Senate Public Affairs.

Comments: Identical to SJM19.

Bill: **SM47**
Sponsors: McSorley (D16)
Title: FISCAL IMPACT OF CRIMINAL PENALTIES
Summary: Requests that the Legislative Finance Committee and the New Mexico Sentencing Commission collaborate to establish a method to measure the fiscal impact of legislation that increases or decreases criminal penalties, creates new crimes, imposes or removes mandatory minimum terms of imprisonment, requires specific monitoring technology, etc. Asks that they determine what computer models, technology, research, data and personnel are necessary to enable the committee to timely generate fiscal impact reports on legislation impacting criminal penalties, and that they report their findings to the appropriate committee during interim 2008.

Progress: 1st House: Passed
Status: 02/14/2008 – Passed in the Senate
History: 02/14/2008—S Opened for floor debate.
 02/14/2008—S Passed 32-0.

Comments: The NMSC Legislative Committee voted 13-1 to support this memorial. The committee asked staff to speak with the sponsor regarding a friendly amendment to include the Department of Finance and Administration in the study. The committee made it clear that inclusion of the amendment is not a condition for their support of this memorial.