



**Minutes of the Meeting of the  
Juvenile Committee  
11:00 a.m.  
October 30, 2020**

via Zoom

| Committee Members Present  | Committee Members Absent                  | Others Attending   | NMSC Staff     |
|----------------------------|---|--|----------------|
| Bob Cleavall (NMSC), Chair | Cindy Aragon (State Bar)                  | Eva Buchwald (NM Coalition for Fair Sentencing of Youth) | Linda Freeman  |
| Marit Andrews (PED)        | Hon. Marci Beyer (DMCJA)                  | Denali Wilson  | Douglas Carver |
| Jim Cowan (for CYFD)       | Diana Garcia (NMDAA)                      | Monica Ault (Fines & Fees Justice Center)                |                |
| April Land (UNMSOL)        | Sheriff Manuel Gonzales III (NM Counties) | Sophie Asher   |                |
| Traci Neff (NMAC)          | Angela “Spence” Pacheco (Speaker)         | Javier Rojo (NM Voices for Children)                     |                |
| Hon. William Parnall       | Hon. Marie Ward                           |  |                |
| Jason Rael (LOPD)          |   |  |                |
| Hon. John J. Romero, Jr.   |   |  |                |
| David Schmidt (Pro Tem)    |   |  |                |
| Ron West (Senate Minority) |   |  |                |
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**I. Welcome and Introductions.** Bob Cleavall, Chair, called the meeting to order at 11:08 a.m.

**II. Approval of Minutes for the October 13, 2020 meeting.** The minutes for the previous committee meeting were approved by consensus.

**III. Staff Report.**

Chair Cleavall noted that the New Mexico Sentencing Commission (NMSC) might have five pieces of legislation introduced in the upcoming Legislative Session, most of which came out of working groups or NMSC subcommittees. Legislation should be approved by a unanimous committee vote, or at the least a

solid majority of committee members. He added, it is anticipated that members who worked on and voted to support the measures as we agreed will continue to support the measures as drafted.

Linda Freeman, Executive Director, NMSC, informed the committee that the Commission had completed the audit process with the audit exit conference. Deputy Director Douglas Carver informed the committee that it was taking longer than anticipated for the Legislative Council Service to produce bills; he also asked that if anyone attending the committee meeting wished to participate in the upcoming Full Commission meeting, they should let him know so he could send them the Zoom details.

#### **IV. Report from the Juvenile Fines and Fees Working Group.**

April Land, University of New Mexico School of Law, co-chair of the working group, introduced the working group's bill draft. She thanked those who had participated in the working group's work. She told the committee that the general principle behind the legislation was that children should not have to pay fines and fees. She informed the committee that the legislation did not touch the provisions on restitution, nor traffic fines; rather, the legislation focuses on eliminating cost and fees from the juvenile justice system. She added that there was an outstanding question regarding Federal requirements regarding costs for the abuse and neglect system, and that the working group could not achieve consensus on the issue of traffic fines and fees. Dave Schmidt, co-chair of the working group, added that the imposition of fines and fees places an additional burden on families.

Deputy Director Carver noted that the working group hoped to continue its work in 2021, specifically around the issue of traffic offenses and burden shifting.

Monica Ault, New Mexico Director of the Fines and Fees Justice Center, informed the committee that several states, had addressed the issues surrounding traffic offenses, and including California, Maryland, and Nevada had eliminated all fees and made their legislation retroactive. She added that traffic fees were a very significant issue for juveniles.

Professor Land concluded that as best the working group could tell, there were very few fines or fees being presently assessed in the juvenile justice system.

Members of the committee asked questions about and discussed the fact that practitioners in the juvenile justice system had not experienced fines and fees being assessed; that the focus of the legislation should be on the burden such fines or fees would place on the family or the child's caregiver; and the question of a possible conflict with Federal requirements.

A motion was made and seconded that the draft of the bill to remove fines and fees from the Children's Code be forwarded for approval to the Full Commission, pending any changes that might be required by Federal law or regulations. The motion was approved unanimously by the committee.

#### **V. Report from the Serious Youthful Offender/Youthful Offender Working Group.**

Deputy Director Carver informed the committee that the working group had begun their discussions with a 2009 bill that addressed amenability hearings, but were unable to come to a consensus on a draft piece of legislation. Denali Wilson added that the district attorneys opposed the extent of amenability, but that Diana Garcia was going to reach out to her fellow district attorneys about the issues. Deputy Director Carver informed the committee that the working group wished to continue its work in 2021. Members of the committee discussed that this issue has been of great concern since 2009 and needed to be addressed, and that the national discussion focused on the issue that children should not be tried as adults period.

**VI. Next Meeting.** The committee will schedule its next meeting shortly, for a time early in 2021.

**VII. Adjourn.** The meeting adjourned at 12:06 p.m.