



**Minutes of the Meeting of the
Reform Committee
10:00 a.m.
November 5, 2020**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Angela “Spence” Pacheco, Chair	Neal Bowen (BHSD)	Bennett Baur (LOPD)	Linda Freeman
Kim Chavez Cook (LOPD)		Melanie Martinez (NMCD)	Douglas Carver
Jason Clack (AOC)		Monica Ault (Fines and Fees Justice Center)	
Bob Cleavall (NMSC)		Ellen Rabin (LFC)	
Megan Dorsey			
Claire Harwell			
Brady Horn			
April Land (UNMSOL)			
Mike Lilley			
Nina Safier			
Alisha Tafoya Lucero (NMCD)			
Jason Wallace (AGO)			
Clint Wellborn (AODA)			

I. Welcome and Introductions. Angela Pacheco, Chair, called the meeting to order at 10:05 a.m.

II. Approval of Minutes for the October 29, 2020 meeting. The minutes for the previous committee meeting were approved by consensus.

III. Staff Report.

Linda Freeman, Executive Director of the New Mexico Sentencing Commission (NMSC), informed the committee that all was set for the November 16, 2020 meeting of the Full Commission, where bills supported by Commission committees will be discussed. Douglas Carver, Deputy Director, NMSC, added that bill drafts would be emailed to people on the Full Commission listserv the coming Monday, and that if there was anyone who was not on that listserv who wanted to receive meeting materials, they should contact him directly.

IV. Geriatric and Medical Parole Bill Draft.

Megan Dorsey introduced the latest bill draft sent to the committee concerning geriatric and medical parole reform. The committee engaged in a long discussion of the draft.

It was noted that the District Attorneys objected to the provision that dropped the minimum age for applying for geriatric parole to 55, particularly considering that the District Attorneys had attempted to get that age raised in the last Legislative Session. There was some objection from the District Attorneys to the new rebuttable presumption on dangerousness found in Section 2, subsection G of the bill draft. Ms. Dorsey noted that no other group had opposed the age provision.

The committee also discussed language in the bill draft concerned with how the sentence someone has interacted with the release provisions. The committee modified the language of the bill to ensure that the inmate's original sentence would stand, as well as any parole period.

The committee also discussed the District Court de novo appeal provision in the bill draft. After extensive discussion, the committee elected to change that provision to align with the District Court administrative agency review provision found at Section 39-3-1.1 NMSA 1978. Some members of the committee expressed concerns that this process would be too difficult for pro se inmates or their families to navigate. The committee also agreed to impose an accelerated time for the District Court to hear these appeals.

The committee also discussed a fast-track provision for inmates who were terminally ill, and decided to adopt such a provision. This discussion also encompassed discussion of how to handle situations where the New Mexico Corrections Department (NMCD) or the Parole Board could not meet the deadlines contained in the bill language. The committee decided to include language so that NMCD or the Parole Board was required to document in writing why a deadline was missed.

The committee had a brief discussion on whether to include first degree murder felons in the provisions of the bill; in the end, those inmates remained excluded.

The committee also included an expanded list of people who could appeal a decision to deny parole, aside from the inmate; the list is the same as for those who can file for compassionate release under the terms of the bill.

The committee made some minor language changes to the bill draft as well, and corrected some contradictory language in the draft.

Mr. Carver said that he would get a revised draft of the bill to the committee promptly. The draft was a consensus bill from the committee, aside from the age 55 provision for geriatric parole eligibility. Mr. Carver asked committee members to let him know if there were objections to the draft expeditiously; if there were no objections, the draft would be included in the bills sent to the Full Commission for consideration.

V. Rewrite of the Criminal Code.

This item was postponed until the committee's next meeting.

VI. Committee Work Plan for Remainder of Year.

This item was postponed until the committee's next meeting.

VII. Next Meeting. The committee scheduled its next meeting for 10:00 a.m., November 19, 2020.

VIII. Adjourn. The meeting adjourned at 12:11 p.m.