



**Minutes of the Meeting of the
Reform Committee
10:00 a.m.
August 20, 2020**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Angela “Spence” Pacheco, Chair	Neal Bowen (BHSD)	Amanda Dick-Peddie (LFC)	Linda Freeman
Collin Brennan (AGO)		Kandace Littlefoot (Bold Futures)	Douglas Carver
Karl Brooks (AOC)			
Kim Chavez Cook (LOPD)			
Bob Cleavall (NMSC)			
Mark Donatelli			
Claire Harwell			
April Land (UNMSOL)			
Mike Lilley			
Nina Safier			
Alisha Tafoya Lucero (NMCD)			
Clint Wellborn (AODA)			

I. Welcome and Introductions. Angela Pacheco, Chair, called the meeting to order at 10:07 a.m. Everyone on the Zoom call introduced themselves.

II. Approval of Minutes for the August 6, 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 a new Chair for the Commission has been appointed, retired Justice Edward Chavez. She also informed the committee that the upcoming Full Commission meeting will be postponed, but the Strategic Plan and Commission budget would be forwarded to Commission members for review and a vote to approve.

IV. Fines and Fees Discussion.

Douglas Carver, Deputy Director, NMSC, informed the committee of the results of the survey on fines and fees that he sent to committee members. He focused on the various survey items that had unanimous consent to address or remove. He noted, however, that only six surveys had been returned, and that it would be good to have more completed surveys so that a broader spectrum of the committee's members could be canvassed. He further noted that the intent of the survey was not to decide conclusively what fines or fees the committee would address, but to take the temperature of the committee regarding the panoply of fines and fees.

Members of the committee engaged in a long discussion about the approach the committee should take. Some members favored focusing on a small set of fees that the committee agreed might be eliminated. Other members were more concerned with the larger structural and philosophical issues surrounding fines and fees, that it was a problem that people are incarcerated for an inability to pay the monies they end up owing because of their involvement in the criminal justice system, and that the committee should address the entire concept of whether fines and fees are an appropriate remedy for wrongs done.

The committee also discussed the importance of learning where the monies collected from particular fines or fees went, what they funded, and how much money was involved. Members of the committee noted that it was important when examining the monies connected to particular fines or fees to consider both the larger philosophical question of whether this was an appropriate manner in which to appropriate monies for the various items funded by fines and fees, and whether it was possible to find alternative funding streams for any fine or fee that might be eliminated. Members of the committee noted that the stacking of fines and fees for separately charged crimes occurring out of one incident posed particular problems for defendants, and perhaps this was something that a bill could address.

Some members of the committee noted that starting work with individual fines or fees could be a way to get the Legislature to consider the broader questions involved with the fines and fees. Some committee members commented that while they understood the problem with assessing fines or fees on people who were unable to pay them, there was an argument for keeping the fines and fees for people who were able to pay. The committee also discussed the need to have the entities that might be affected by the elimination of a particular fine or fee involved in the committee's deliberations.

There was a general consensus that while the various issues surrounding fines and fees would take substantial, likely multi-year, effort to address, it was important that the committee produce some piece of legislation, even if a relatively minor bill, to get the conversation around fines and fees started in the Legislature.

There was some committee discussion of the use of fines and fees in the juvenile justice system. Bob Cleavall, Acting Chair, NMSC, and Chair of the NMSC Juvenile Committee, informed the committee that the Juvenile Committee would be addressing the juvenile fines and fees.

The committee decided that its next step would be to:

- 1) examine individual fines or fees that the committee members agreed might be addressed based on the survey responses; the committee can then work with the Legislative Finance Committee and the Fines and Fees Justice Center to collect the information on what monies go where for those particular fines or fees; and
- 2) consider broader proposals, perhaps modelled on approaches in other states (a statute from Colorado was mentioned in the discussion), to get at the bigger of issue of incarcerating people for an inability to pay.

V. Next Meeting. The committee scheduled its next meeting for 10:00 a.m., September 3, 2020.

VI. Adjourn. The meeting adjourned at 11:22 a.m.