

New Mexico Sentencing Commission Bill Tracker (2020 Reg)

<p>Bill: HB7</p> <p>Sponsors: Ely (D23)</p> <p>Title: EXTREME RISK FIREARM PROTECTION ORDER ACT</p> <p>Summary: (On Governor's call) (Identical to 2020 SB5; almost identical to 2019 HB83) Creates the Extreme Risk Firearm Protection Order Act to provide a method to petition for a court order to prevent a dangerous person from possessing or buying a firearm or ammunition. Provides for three types of extreme risk protection orders: emergency, ex parte temporary, and one-year orders. Provides for termination and extension of one-year orders. Requires timely hearings. Creates immunity from liability for providing information or participating in proceedings. Requires safe storage of firearms in households where an order applies. Imposes misdemeanor penalties for violation of an order. Forbids issuance of a concealed handgun permit to a person subject to an extreme risk protection order.</p> <p>Subjects: Alcohol, Firearms and Tobacco Products; Courts and Civil Matters; Criminal Code; Public Safety and Corrections</p> <p>Progress: 1st House: Referred to Committee</p> <p>Status: 01/22/2020 – House Consumer and Public Affairs Committee</p> <p>History: 01/22/2020—H Introduced and referred to House Consumer & Public Affairs. 01/22/2020—H Also referred to House Judiciary. 01/22/2020—H Found Germane by Speaker Eglf.</p> <p>Comments: The committee voted not to support this legislation, based on concerns from the DAs, that the search warrants as outlined in the legislation may not be constitutional and there was great potential for abuse, by a vote of 9-2 (DPS and NMCD against), with CYFD abstaining. LOPD noted that they had concerns about due process and potential Fourth Amendment violations; additionally, LOPD noted that this was a new search warrant universe and recommended that an exception to the warrant exception for plain view be created in statute to support the aims of this bill. A public member worried that there was no treatment component to the legislation. CYFD noted that there could be issues if there was a minor with suicidal ideation in the household, a household member could protest having their firearms taken.</p>	<p>Bill: HB18</p> <p>Sponsors: Hochman-Vigil (D15)</p> <p>Title: NO IMMUNITY FOR BAD FAITH REPORTS ON CHILD ABUSE OR NEGLECT</p> <p>Summary: Creates a presumption of good faith in a person who reports child abuse and neglect, and relinquishes immunity for a person who reports in bad faith or with malicious purpose.</p> <p>Subjects: Criminal Code; Family and Juveniles; Human Services; Courts and Civil Matters</p> <p>Progress: 1st House: Referred to Committee</p> <p>Status: 01/22/2020 – House Rules and Order of Business Committee</p> <p>History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.</p>
<p>Bill: HB32</p> <p>Sponsors: Rehm (R31)</p> <p>Title: PRETRIAL PARTICIPATION IN SUBSTANCE ABUSE PROGRAM</p> <p>Summary: Relates to the pretrial detention of a defendant in criminal cases and creates a rebuttable presumption for the court to determine that no release conditions will reasonably protect the safety of a person or the community from the defendant. Provides for substance abuse treatment during pretrial period.</p> <p>Subjects: Criminal Code; Courts and Civil Matters; Constitutional Issues and Amendments</p> <p>Progress: 1st House: Referred to Committee</p> <p>Status: 01/22/2020 – House Rules and Order of Business Committee</p> <p>History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.</p>	<p>Bill: HB33</p> <p>Sponsors: Rehm (R31)</p> <p>Title: VIOLENT FELONIES FOR LIFE IMPRISONMENT</p> <p>Summary: Under the Criminal Sentencing Act, expands the types of felony convictions incurred by a defendant that are subject to mandatory life imprisonment sentencing enhancements, without the possibility of parole, to persons three times convicted of violent crimes. Applies to convictions of violent felonies that occurred on, before or after July 1, 2020. Includes in-state and out-of-state convictions of violent crimes committed before age 18 where the person was sentenced as an adult under Sec. 31-18-15.3 (serious youthful offender,</p>

Subjects: which includes murder in the first degree) or Sec. 32A-2-20 (disposition of a youthful offender as an adult).
Public Safety and Corrections; Criminal Code

Progress: 1st House: Referred to Committee

Status: 01/22/2020 – House Rules and Order of Business Committee

History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB34**

Sponsors: Rehm (R31)

Title: SENTENCING FOR HABITUAL OFFENDERS, INCLUDING DWI

Summary: Requires a 25-year interval (current law requires 10 years) between felony convictions in order to circumvent habitual-offender penalties under the Habitual Offender Sentencing Act. Brings convictions, under Sec. 66-8-102, for aggravated driving while under the influence of intoxicating liquor or drugs within the scope of the act, making them count as a prior felony committed in New Mexico, whether within the Criminal Code or not, for the purpose of invoking habitual-offender penalties. Applies to sentences imposed on or after July 1, 2020.

Subjects: Criminal Code; Public Safety and Corrections; Transportation

Progress: 1st House: Referred to Committee

Status: 01/22/2020 – House Rules and Order of Business Committee

History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB35**

Sponsors: Rehm (R31)

Title: SENTENCING ENHANCEMENTS FOR FIREARM USE

Summary: (On Governor's call) Increases the sentencing enhancements for use of a firearm in noncapital felony cases and eliminates the court's discretion to suspend or defer the sentence (Sec. 31-18-16). For a first conviction of a noncapital felony in which a firearm is used, the mandatory prison term is increased from one year to three years; for a second and subsequent noncapital felony in which a firearm is used, the mandatory prison term is increased from three to five years.

Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Alcohol, Firearms and Tobacco Products

Progress: 1st House: Referred to Committee

Status: 01/22/2020 – House Judiciary Committee

History: 01/22/2020—H Introduced and referred to House Judiciary.
01/22/2020—H Also referred to House Appropriations & Finance.

01/22/2020—H Found Germane by Speaker Egolf.

Comments: The committee voted not to support this legislation, based on objections to mandatory sentencing schemes, by a vote of 8-3 (DPS, NMCD, and DAs against), with CYFD abstaining. LOPD noted that the bill would expand mandatory sentencing, and that often one incident will see multiple enhancements – as an example, assault with a deadly weapon, where someone brandishes a handgun, there can be one count for each person present, so if there are three people present, the bill would have a nine-year enhancement, five a 15-year enhancement; as an alternative, LOPD suggested, the Legislature could make these enhancements discretionary, or put in the bill that only once enhancement can be used arising out of one incident. A public member noted that there was no data that supported that these kinds of mandatory firearm enhancements cut down on violent crime.

Bill: **HB36**

Sponsors: Rehm (R31)

Title: NO STATUTE OF LIMITATION ON SECOND DEGREE MURDER; SIX YEARS FOR DRUG TRAFFICKING

Summary: (Related to HB104, 2019) Current law (Sec. 31-1-8) provides for a six-year statute of limitations for prosecution of second-degree felonies. The bill removes the limitation for second-degree felony murders. Consequently, second-degree felony murders would be treated like capital felonies and first-degree violent felonies, all of which may be prosecuted at any time.

Subjects: Criminal Code

Related: 2019:HB104

Progress: 1st House: Referred to Committee

Status: 01/22/2020 – House Rules and Order of Business Committee

History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB38**

Sponsors: Rehm (R31)

Title: DUI AND IGNITION INTERLOCK FOR CERTAIN DRUGS

Summary: (Identical to 2019 HB317, 2018 HB39 and 2017 HB22) Sets specific standards in the state's DUI laws regarding drugs. It is unlawful for a person under the influence of any drug to drive a vehicle within the state. Prohibits driving with certain amounts of specified controlled substances or metabolites in the blood. Clarifies that the ignition interlock requirement only applies to offenders with alcohol concentration in their blood or breath. Increases eighth or

subsequent DUI conviction to a second-degree felony. Modifies DUI laws by adopting uniform references to "unlawful alcohol," "controlled substance," and "controlled substance metabolite" concentrations in the driver's blood or breath.

Subjects: Criminal Code; Transportation; Public Safety and Corrections
Related: 2019:HB317; 2018:HB39; 2017:HB22
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Rules and Order of Business Committee
History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB43**
Sponsors: McQueen (D50)
Title: NON-RESIDENT SEX OFFENDER REGISTRATION REQUIREMENTS
Summary: (On Governor's call) (Somewhat related to 2019 HB307, SB521; 2017 HB443) Relates to sex offender registration requirements in New Mexico by individuals who have been convicted of a sex offense in another jurisdiction, i.e. by another state, the feds, the military or a tribal government.

Subjects: Public Safety and Corrections; Criminal Code
Related: 2019:HB307; 2019:SB521; 2017:HB443
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Consumer and Public Affairs Committee
History: 01/22/2020—H Introduced and referred to House Consumer & Public Affairs.
 01/22/2020—H Also referred to House Judiciary.
 01/22/2020—H Found Germane by Speaker Egolf.

Comments: The committee voted to support this legislation, as it tightens up and clarifies registration requirements, by a vote of 6-3 (LOPD and two public members against), with CYFD, AOC, and a public member abstaining. DPS noted that under the current regime, an equivalency analysis has to be conducted comparing the offense for which a sex offender has to register in another jurisdiction with NM statutes; on occasion, someone might not have to register in NM as the other jurisdiction did not provide the necessary documents; additionally, the bill would remove any incentives someone might have to move to NM to avoid registering; furthermore, the bill would make registration requirements more clear and uniform for everyone to understand their obligations and would help to avoid needless litigation over equivalency. LOPD expressed a concern about how visitors to the state would know the necessary registration requirements,

and how sheriff departments would be able to handle the registration scheme; additionally, this bill goes beyond the underlying functions of SORNA, the bill casts the registration net so widely that people would have to register for actions taken in other jurisdictions that either would not be registerable offenses in NM or even crimes in NM (as examples, in some states, public indecency for urinating in public is a registerable offense, statutory rape laws vary from state to state, and NM recently required kidnapping to have a sexual intent to require registering – this would be a step backwards); furthermore, data shows that registration requirements do not aid public safety; finally, LOPD noted that the bill doesn't just close a loophole in NM's registration law, it creates a serious expansion of registration requirements and would represent the state giving up its right to determine what crimes require registration. A public member noted that was Epstein pled guilty to wasn't an offense in NM, and that while the bill might make law enforcement's job easier for registration, it would be a waste of law enforcement resources.

Bill: **HB61**
Sponsors: Stapleton (D19)
Title: RETURN OF IGNITION INTERLOCK DEVICES
Summary: (Related to 2019 HB355) Requires the return of an ignition interlock device or a police report of the theft of the device prior to reinstatement of a driver's license. Expands the Interlock Device Fund to include replacement of an ignition interlock device and payment of up to \$975 for such replacement for indigent persons.

Subjects: Public Safety and Corrections; Alcohol, Firearms and Tobacco Products; Criminal Code; Transportation; State Affairs and State Agencies; Taxation, Fees and Audits
Related: 2020:HB80; 2019:HB355
Progress: 1st House: Referred to Committee
Status: 01/30/2020 – House Consumer and Public Affairs Committee

History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.
 01/30/2020—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message 45.
 01/30/2020—H Also referred to House Consumer & Public Affairs.
 01/30/2020—H Also referred to House Judiciary.

Scheduled: 02/04/2020—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Bill: HB66
Sponsors: Ferrary (D37)
Title: LOWERS AGE TO 18 TO BUY TOBACCO PRODUCTS, E-CIGARETTES, NICOTINE LIQUID CONTAINERS
Summary: (For Legislative Health and Human Services Committee; very similar to 2019 HB259) Raises the buyer's age for legal purchase of tobacco products, e-cigarettes and nicotine liquid containers from 18 to 21. Creates an exception for individuals who turn 18 by July 1, 2020, but not for those in the military under age 21.
Subjects: Alcohol, Firearms and Tobacco Products; Courts and Civil Matters; Business, Manufacturing and Economic Development; Family and Juveniles
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Rules and Order of Business Committee
History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: HB72
Sponsors: Rubio (D35)
Title: IMMIGRATION DETENTION FACILITIES: INSPECTION, REGULATION AND PROHIBITIONS
Summary: Creates the Immigration Detention Facilities Act to regulate and provide for the inspection of a facility that houses or detains a noncitizen for purposes of civil immigration custody or detention. The Attorney General is given inspection and enforcement authority to take necessary court action to ensure humane conditions for detainees, including minors, and to seek damages on behalf of detainees. CYFD certifies adequate temporary housing standards for minors.
Subjects: Constitutional Issues and Amendments; Family and Juveniles; Public Safety and Corrections; State Affairs and State Agencies; Municipalities/City Government; County Affairs; Courts and Civil Matters; Human Services
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Rules and Order of Business Committee
History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: HB80
Sponsors: Ely (D23)
Title: RETURN OF IGNITION INTERLOCK DEVICES
Summary: (Identical to 2020 HB61; related to 2019 HB355) Requires the return of an ignition interlock device or a police report of the theft of the device prior to reinstatement of a driver's license. Expands the Interlock Device Fund to include replacement of an

ignition interlock device and payment of up to \$975 for such replacement for indigent persons.
Subjects: Public Safety and Corrections; Alcohol, Firearms and Tobacco Products; Criminal Code; Transportation; State Affairs and State Agencies; Taxation, Fees and Audits
Related: 2020:HB61; 2019:HB355
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Rules and Order of Business Committee
History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: HB85
Sponsors: Roybal Caballero (D13)
Title: UNLAWFUL POSSESSION OF A SEMIAUTOMATIC FIREARM CONVERTER
Summary: A new section of the Criminal Code makes it a fourth-degree felony to be in the unlawful possession of a semiautomatic firearm converter. The crime consists of a person knowingly possessing a firearm accessory that is designed to increase the rate of fire of a semiautomatic firearm to simulate a rate of fire only otherwise achievable with an automatic firearm.
Subjects: Alcohol, Firearms and Tobacco Products; Constitutional Issues and Amendments; Criminal Code; Family and Juveniles; County Affairs; Municipalities/City Government; Veterans and Military Affairs
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Rules and Order of Business Committee
History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.

Bill: HB101
Sponsors: Armstrong, D. (D17)
Title: FUND SERVICES FOR HUMAN TRAFFICKING VICTIMS
Summary: (Related to 2020 SB66, 2019 HB60) Appropriates \$350,000 (GF) to the Crime Victims Reparation Commission for FY2021 to fund services for victims of human trafficking.
Subjects: Criminal Code; Human Services; Appropriations; Public Safety and Corrections; Family and Juveniles
Related: 2020:SB66; 2019:HB60
Progress: 1st House: Referred to Committee
Status: 01/22/2020 – House Health and Human Services Committee
History: 01/22/2020—H Introduced and referred to House Health & Human Services. 01/22/2020—H Also referred to House Appropriations & Finance. 01/22/2020—H Found Germane by Speaker Egolf.
Comments: No action was taken on this legislation.

Bill: **HB113**
Sponsors: Rehm (R31)
Title: INCREASE PENALTY FOR FELON POSSESSING FIREARM
Summary: (Related to 2019 HB316) Increases the penalty for a felon in possession of a firearm or destructive device from a fourth- to a third-degree penalty; redefines "felon" to mean any person convicted of a felony offense who has not been pardoned or received a deferred sentence (current law applies the definition only to a convicted person for whom less than ten years have passed since the completion of sentencing or probation).
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections
Related: 2019:HB316
Progress: 1st House: Reported from Committees
Status: 01/29/2020 – House Judiciary Committee
History: 01/23/2020—H Introduced and referred to House Consumer & Public Affairs.
 01/23/2020—H Also referred to House Judiciary.
 01/23/2020—H Also referred to House Appropriations & Finance.
 01/23/2020—H Found Germane by Speaker Egolf pursuant to House Executive Message 5.
 01/29/2020—H Reported Do Pass by House Consumer & Public Affairs.
Comments: A motion to support this legislation failed on a vote of 4-5 (CYFD, LOPD, and three public members against), with AOC, DPS, and a public member abstaining. The DAs noted that the bill was trying to reduce the number of people who shouldn't have firearms from having them. A public member noted that as NMCD did not think that the bill would have a significant impact on their budget, the legislation probably was not necessary. LOPD noted that this statute was recently amended in 2018 as part of the omnibus crime bill, adding the third degree felony provision for violent offenses; the 2018 change targeted high risk groups as this kind of statute is the only kind that has been shown to work, and DOJ studies have shown that these kind of penalty enhancements do not deter crime; furthermore, the bill would impose a lifelong ban on people for what might have been a nonviolent offense; LOPD added that it would be worth considering, were this bill to be supported in the Legislature, adding expungement qualifications.

Bill: **HB114**
Sponsors: Rehm (R31)
Title: FIREARMS AND CONTROLLED SUBSTANCE TRAFFICKING PENALTY

Summary: Makes unlawful the carrying of a firearm while trafficking a controlled substance and imposes a third-degree felony penalty.
Subjects: Alcohol, Firearms and Tobacco Products; Criminal Code; Public Safety and Corrections
Progress: 1st House: Reported from Committees
Status: 01/29/2020 – House Judiciary Committee
History: 01/23/2020—H Introduced and referred to House Consumer & Public Affairs.
 01/23/2020—H Also referred to House Judiciary.
 01/23/2020—H Also referred to House Appropriations & Finance.
 01/23/2020—H Found Germane by Speaker Egolf.
 01/29/2020—H Reported Do Pass by House Consumer & Public Affairs.
Comments: A motion to support this legislation failed on a vote of 3-5 (AOC, LOPD, and three public members against), with CYFD, DPS, and a public member abstaining. LOPD noted that this conduct is already punishable using other statutes and thus there was not a need for this bill. The DAs noted that this bill would mirror Federal law and that there is a gap in NM law if the firearm is not used in the conduct of the crime.

Bill: **HB156**
Sponsors: Akhil (D20)
Title: CRIMINALIZE ILLEGALLY DISMANTLING STOLEN VEHICLES
Summary: (On Governor's call) (Similar to 2019 HB509) Adds a new section to the Criminal Code to make it a felony to illegally dismantle a stolen vehicle, which is defined as a person:
Subjects: Criminal Code; Public Safety and Corrections
Related: 2019:HB509
Progress: 1st House: Reported from Committees
Status: 01/29/2020 – House Judiciary Committee
History: 01/23/2020—H Introduced and referred to House Consumer & Public Affairs.
 01/23/2020—H Also referred to House Judiciary.
 01/23/2020—H Also referred to House Appropriations & Finance.
 01/23/2020—H Found Germane by Speaker Egolf.
 01/29/2020—H Reported Do Pass by House Consumer & Public Affairs.
Comments: A motion to support this legislation failed on a vote of 5-6 (AOC, LOPD, CYFD, Magistrate, and two public members against), with the DAs abstaining. LOPD noted that the activity targeted in this bill is already covered in other statutes, for example under conspiracy, racketeering, transferring stolen property, therefore the

legislation is not needed. A public member echoed this observation.

Bill: **HB160**
Sponsors: Martinez, J. (D11)
Title: CANNABIS REGULATION ACT: LEGALIZATION OF COMMERCIAL CANNABIS
Summary: (Please see, "NMLR Extended Analysis" section on right-hand side of Welcome Page for complete analysis.) (Related to SB115) Relates to the legalization, production, use, sale, taxation and licensure of commercial cannabis activities. Creates the Cannabis Regulation Act to regulate the commercial production, possession manufacture, storage, testing, researching, labeling, transportation, couriering and sale of cannabis and cannabis products. (Other activities related to the medical cannabis program, to cannabis training and education or to the personal use of cannabis are major components of the bill, but do not fall within the scope of a "commercial cannabis activity.") A 9% excise tax is imposed on the retail sales of cannabis products in the state through creation of the Cannabis Tax Act. DOH retains authority to establish an application and licensing fee for personal production licenses.
Subjects: Labor; Higher Education; Public Safety and Corrections; Health and Medical Practice; Agriculture and Ranching; Business, Manufacturing and Economic Development; Construction and Materials; County Affairs; Courts and Civil Matters; Criminal Code; Family and Juveniles; Indians; Taxation, Fees and Audits; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 01/23/2020 – House Commerce and Economic Development Committee
History: 01/23/2020—H Introduced and referred to House Commerce & Economic Development.
 01/23/2020—H Also referred to House Judiciary.
 01/23/2020—H Found Germane by Speaker Egolf.
Comments: The committee voted unanimously to table this legislation.

Bill: **HB184**
Sponsors: Ruiloba (D12)
Title: FUNDS FOR SCHOOL RESOURCE OFFICERS AND GOVERNOR'S DEPLOYMENT
Summary: (Related to 2019 HB330 and HB129, 2017 SB399) Requires specific training for certified law enforcement officers working as school resource officers; provides funding from the Law Enforcement Protection Fund for school district police

departments with full-time school resource officers. Changes distributions from the fund to a flat \$45,000 annual amount for municipalities and counties; increases distributions to university, tribal and school district police departments; provides additional training funds for municipal, sheriff and school district departments that assign officers as school resource officers. Provides for a new distribution to the Department of Public Safety of up to \$2.0 million for overtime-related costs of Governor-ordered special deployments (after all other distributions have been made). Retains provision for reduced allocations for fund balance shortfalls.
Subjects: Schools and Teachers; County Affairs; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies; Public Safety and Corrections; Public Finance and Budgets; Indians
Related: 2019:HB330; 2019:HB129; 2017:SB399
Progress: 1st House: Referred to Committee
Status: 01/24/2020 – House Judiciary Committee
History: 01/24/2020—H Introduced and referred to House Judiciary.
 01/24/2020—H Also referred to House Appropriations & Finance.
 01/24/2020—H Found Germane by Speaker Egolf pursuant to House Executive Message 36.
Scheduled: 01/31/2020—House Judiciary Committee, 1:30 p.m., Room 309
Comments: The committee voted unanimously to table this legislation.

Bill: **HB190**
Sponsors: Sanchez (D40)
Title: SAFE HAVEN FOR INFANTS ACT, OPERATOR SAFETY REQUIREMENTS
Summary: Gives Children, Youth and Families Department administrative and rulemaking authority over the Safe Haven for Infants Act; extends immunity provisions to a safe haven site and its staff from criminal liability and civil liability for accepting an infant or installing, operating or maintaining a surrender safety device in compliance with the act; clarifies that immunity provisions for a parent for leaving an infant with the staff of a safe haven site or inside a surrender safety device; establishes safety and inspection requirements for installation and operation of a surrender safety device for an infant under 90 days old. Requires the on-site presence of a medical services provider 24/7.
Subjects: Health and Medical Practice; Family and Juveniles; Public Safety and Corrections; Criminal Code; Courts and Civil Matters;

Progress: Human Services; Business, Manufacturing and Economic Development; Insurance
Status: 1st House: Referred to Committee
History: 01/24/2020 – House Rules and Order of Business Committee
 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB203**
Sponsors: Schmedes (R22)
Title: PRETRIAL RELEASE HEARING STANDARDS
Summary: (Related to 2019 HB408) Adds sections to the Criminal Code to establish eligibility of defendants for pretrial release and to require the posting of a bond if a defendant is on release for another matter; bars courts from relying on an independent risk assessment tool or program in determining eligibility for pretrial release.
Subjects: Criminal Code; Courts and Civil Matters
Related: 2019:HB408
Progress: 1st House: Referred to Committee
Status: 01/24/2020 – House Rules and Order of Business Committee
History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB206**
Sponsors: Dow (R38)
Title: RECOGNIZE SIGNS OF SEXUAL ABUSE AND NEGLECT
Summary: Adds the study of signs of physical and sexual abuse and neglect and resources for treatment to the periodic training required of a judge, prosecutor, child’s attorney, guardian ad litem, treatment guardian, court appointed attorney or special advocate, foster parent, mental health commissioner or mental health treatment service provider for a child subject to abuse or neglect petition, a family in need of services petition or a mental health placement.
Subjects: Family and Juveniles; Cultural Affairs; Human Services; Courts and Civil Matters
Progress: 1st House: Referred to Committee
Status: 01/24/2020 – House Rules and Order of Business Committee
History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB208**
Sponsors: Montoya (R1)
Title: PROHIBIT LATE-TERM ABORTION
Summary: (Almost identical to 2018 HB76) Renames the Partial-Birth Abortion Ban Act as the “Late-Term and Partial-Birth Abortion Ban Act.” Repeals the criminal abortion statute.
Subjects: Civil Rights; Health and Medical Practice; Criminal Code; Courts and Civil Matters
Related: 2018:HB76

Progress: 1st House: Referred to Committee
Status: 01/24/2020 – House Rules and Order of Business Committee
History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB209**
Sponsors: Montoya (R1)
Title: MEDICAL CARE FOR INFANTS BORN ALIVE
Summary: (Identical to 2018 HB75) Requires medical care for all infants who are “born alive.” Mandates reporting and imposes penalties. Provides civil remedies and creates a task force to monitor “born alive” births.
Subjects: Civil Rights; Health and Medical Practice; Family and Juveniles; Criminal Code; Constitutional Issues and Amendments
Related: 2018:HB75
Progress: 1st House: Referred to Committee
Status: 01/24/2020 – House Rules and Order of Business Committee
History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB210**
Sponsors: Montoya (R1)
Title: PARENTAL NOTIFICATION OF ABORTION ACT
Summary: (Identical to 2018 HB56) Enacts the Parental Notification of Abortion Act, which requires notification of a parent or guardian when an abortion is to be performed on a minor. Creates exceptions; requires detailed reporting by physicians; imposes penalties on physicians. Also repeals the criminal abortion statute.
Subjects: Constitutional Issues and Amendments; Civil Rights; Health and Medical Practice; Family and Juveniles; Criminal Code
Related: 2018:HB56
Progress: 1st House: Referred to Committee
Status: 01/24/2020 – House Rules and Order of Business Committee
History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB213**
Sponsors: Fajardo (R7)
Title: CHILD WELFARE OMBUDSMAN ACT
Summary: Creates the Child Welfare Ombudsman Act in the Children’s Code, creating the Child Welfare Ombudsman Office administratively attached to the Children, Youth and Families Department; Chief Child Welfare Ombudsman; and Child Welfare Ombudsman Selection Committee, all with prescribed powers and duties. The overall charge is protection of rights and well-being of children in protective custody or the juvenile justice system and of substitute caregivers. Mandates the

creation of regional and local Child Welfare Ombudsman programs; provides for staff training and certification. Delineates extent of confidentiality. Repeals the Citizen Substitute Care Review Act and transfers functions, assets and legal references in that act to the Child Welfare Ombudsman Office, including authority over Substitute Care Review Boards. Appropriates \$1.0 million (GF) to the office for FY2021 for its establishment and operation.

Subjects: Public Employees/Retirement; State Affairs and State Agencies; Family and Juveniles; Appropriations

Progress: 1st House: Referred to Committee

Status: 01/24/2020 – House Rules and Order of Business Committee

History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.
01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB215**

Sponsors: Strickler (R2)

Title: DETENTION AND TRANSPORT FOR EMERGENCY MENTAL HEALTH EVALUATION AND TREATMENT

Summary: (Similar to 2019 HB348) Amends the Mental Health and Developmental Disabilities Code to provide for the detention and transportation of persons for emergency mental health evaluation and treatment; details standards and procedures for investigation, application for and court issuance of emergency orders, entering structures to detain and transport a client; crisis intervention; and admitting clients to an evaluation facility; and makes conforming amendments to statutory provisions for commitment. Provides criminal penalties for misrepresentation of facts.

Subjects: Health and Medical Practice; County Affairs; Courts and Civil Matters; Municipalities/City Government; Criminal Code; Transportation; Human Services; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 01/24/2020 – House Rules and Order of Business Committee

History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB231**

Sponsors: Schmedes (R22)

Title: COURT ORDERED CHEMICAL BLOOD TESTS IN DWI OR DUI SUSPECTED CASES

Summary: Strengthens court’s authority to issue a warrant to conduct chemical tests on a person who has refused to submit to chemical breath testing, who is suspected of operating a motor vehicle while under

Subjects: the influence of intoxicating liquor or drugs. Criminal Code; Transportation; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections

Progress: 1st House: Referred to Committee

Status: 01/24/2020 – House Rules and Order of Business Committee

History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB232**

Sponsors: Romero, A. (D46)

Title: FIRST-DEGREE PENALTY FOR HUMAN TRAFFICKING

Summary: Amends Sec. 30-52-1 of the Criminal Code to make it a first-degree felony for committing the crime of human trafficking of a victim under the age of 18.

Subjects: Criminal Code; Family and Juveniles

Progress: 1st House: Referred to Committee

Status: 01/24/2020 – House Rules and Order of Business Committee

History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HB237**

Sponsors: Louis (D26)

Title: HUMAN TRAFFICKING AND SEX OFFENDER CHANGES

Summary: Imposes stricter penalties for convictions of human trafficking and lifts the statute of limitations for filing prosecutions against persons accused of human trafficking and the sexual exploitation of children; expands the definition of a sex offender to include human trafficking for commercial sexual activity and to include a person who owns residential property in New Mexico who has been convicted in another jurisdiction; and expands scope of registry that is maintained on sex offenders by the Department of Public Safety

Subjects: Criminal Code; Public Safety and Corrections; Family and Juveniles

Progress: 1st House: Referred to Committee

Status: 01/30/2020 – House Consumer and Public Affairs Committee

History: 01/24/2020—H Introduced and referred to House Rules & Order of Business.
01/30/2020—H Found Germane by Speaker Golf and removed from Rules Committee pursuant to House Executive Message 54.
01/30/2020—H Also referred to House Consumer & Public Affairs.
01/30/2020—H Also referred to House Judiciary.
01/30/2020—H Also referred to House Appropriations & Finance.

Scheduled: 02/04/2020—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Bill: HB243
Sponsors: Ruiloba (D12)
Title: ALBUQUERQUE-BERNALILLO COUNTY MENTAL HEALTH AUTHORITY
Summary: Creates the Albuquerque-Bernalillo County Mental Health Authority as a political subdivision of the state with rule-making authority to coordinate, oversee and develop policies for the delivery of mental and behavioral health services in Albuquerque and Bernalillo County. Appropriates \$500,000 (GF, nonreverting) to DFA's Local Government Division for use in FY 2021 and subsequent years for Bernalillo County to form and fund the authority.
Subjects: County Affairs; Municipalities/City Government; Health and Medical Practice; Human Services; Appropriations; Higher Education; Public Safety and Corrections; Courts and Civil Matters; Procurement/Purchasing
Progress: 1st House: Referred to Committee
Status: 01/27/2020 – House Rules and Order of Business Committee
History: 01/27/2020—H Introduced and referred to House Rules & Order of Business.

Bill: HB252
Sponsors: Martinez, R. (D39)
Title: PROHIBITS DISCRIMINATION BASED ON MILITARY OR VETERAN STATUS
Summary: Amends the Human Rights Act to add military or veteran status to the list of personal characteristics that may not be the basis for discriminatory actions.
Subjects: Labor; Courts and Civil Matters; Business, Manufacturing and Economic Development; Veterans and Military Affairs; Civil Rights
Progress: 1st House: Referred to Committee
Status: 01/27/2020 – House Rules and Order of Business Committee
History: 01/27/2020—H Introduced and referred to House Rules & Order of Business.

Bill: HB263
Sponsors: Maestas (D16)
Title: PROBATION AND PAROLE CHANGES
Summary: (Similar to 2019 HB564/vetoed to allow all stakeholders input into reform. Related to 2019 SB 69, SB 73, SB 75, SB 561) Amends the criminal code related to probation and parole. Allows for conversion of supervised probation to non-reporting supervised probation for good behavior. Sets conditions for arrest of probationers and parolees. Establishes a medical and geriatric parole program and an incentives and sanctions system to guide responses to probationer and parolee behavior.
Subjects: Criminal Code; Indians; Public Safety and

Related: Corrections
 2019:HB564; 2019:SB69; 2019:SB73; 2019:SB75; 2019:SB561
Progress: 1st House: Referred to Committee
Status: 01/30/2020 – House Judiciary Committee
History: 01/28/2020—H Introduced and referred to House Rules & Order of Business.
 01/30/2020—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message 52.
 01/30/2020—H Also referred to House Judiciary.
Scheduled: 02/03/2020—House Judiciary Committee, 1:30 p.m., Room 309

Bill: HB267
Sponsors: Ely (D23)
Title: CONTINUING DRUG ENTERPRISE ACT AND EXCEPTIONS FOR MARIJUANA TRAFFICKING
Summary: Creates the Continuing Drug Enterprise Act to make it a first-degree crime for a person to commit a serious felony drug offense that is part of a continuing drug enterprise while that person is an organizer of that continuing drug enterprise. Amends the Criminal Code to provide exceptions from being prosecuted for marijuana trafficking or distribution.
Subjects: Criminal Code; Business, Manufacturing and Economic Development; Public Safety and Corrections
Progress: Introduced
Status: 01/30/2020 – House Consumer and Public Affairs Committee
History: 01/28/2020—H Introduced and referred to House Rules & Order of Business.
 01/30/2020—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message 55.
 01/30/2020—H Also referred to House Consumer & Public Affairs.
 01/30/2020—H Also referred to House Judiciary.
 01/30/2020—H Also referred to House Appropriations & Finance.
Scheduled: 02/04/2020—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Bill: HB269
Sponsors: Hochman-Vigil (D15)
Title: DOMESTIC TERRORISM; ALL SOURCE INTELLIGENCE CENTER
Summary: Amends the Antiterrorism Act to define the second degree felony crimes of terrorism; possessing a terroristic weapon; and making a terroristic threat involving a school, community center or public accommodation. Amends the Computer Crimes Act to define the third degree felony

crime of cyberterrorism, including denial of service attacks. Redefines certain training or practice to use a weapon, device or technique to commit terrorism as a third degree felony. Requires the Homeland Security Department to maintain a New Mexico All Source Intelligence Center as cross-jurisdictional federal, state and local partnership to protect the state from border, criminal and terrorist threats.

Subjects: Criminal Code; State Affairs and State Agencies; Public Safety and Corrections

Progress: Introduced

Status: 01/30/2020 – House Consumer and Public Affairs Committee

History: 01/28/2020—H Introduced and referred to House Rules & Order of Business.
01/30/2020—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message 56.
01/30/2020—H Also referred to House Consumer & Public Affairs.
01/30/2020—H Also referred to House Judiciary.
01/30/2020—H Also referred to House Appropriations & Finance.

Scheduled: 02/04/2020—House Consumer and Public Affairs Committee, 1:30 p.m., Room 317

Bill: **HB301**

Sponsors: Chasey (D18)

Title: VIOLENCE INTERVENTION PROGRAM ACT AND FUND

Summary: Creates the Violence Intervention Program Act and Fund, administered by the Department of Health to make awards to municipalities disproportionately impacted by violent crimes; establishes an application process; limitations on awards based on municipal population; and grant conditions, including contracting with community organizations. Requires the NM Sentencing Commission to provide data. Requires DOH rule-making and reports from grantees, DOH and the Commission. Appropriates \$10.0 million (GF, nonreverting) for FY2021 and subsequent years for program purposes.

Subjects: Courts and Civil Matters; Municipalities/City Government; Criminal Code; State Affairs and State Agencies; Appropriations

Progress: Introduced

Status: 01/30/2020 – House Judiciary Committee

History: 01/30/2020—H Introduced and referred to House Judiciary.
01/30/2020—H Also referred to House Appropriations & Finance.
01/30/2020—H Found Germane by Speaker Egolf pursuant to Constitution.

Scheduled: 02/03/2020—House Judiciary Committee, 1:30 p.m., Room 309

Bill: **HB325**

Sponsors: Romero, A. (D46)

Title: CRIMINAL OFFENDER PUBLIC EMPLOYMENT AND LICENSURE

Summary: (Similar to 2019 HB382) Amends the Criminal Offender Employment Act to expand the list of criminal records that shall not be considered in, or used as a bar to, an application for public employment or licensure; to establish eligibility considerations for applicants with criminal records; to require rules identifying mitigating factors and disqualifying events; and to require notice and applicant’s right to challenge determinations; requires reporting and makes conforming amendments to the Uniform Licensing Act.

Subjects: Labor; Criminal Code; Public Employees/Retirement; State Affairs and State Agencies; Family and Juveniles

Related: 2019:HB382

Progress: 1st House: Referred to Committee

Status: 01/31/2020 – House Rules and Order of Business Committee

History: 01/31/2020—H Introduced and referred to House Rules & Order of Business.

Bill: **HM14**

Sponsors: Cadena (D33)

Title: JUVENILE DETENTION STUDY

Summary: (Duplicate of 2020 SM15) Requests that New Mexico Counties study and make recommendations on matters related to juvenile detention in an effort to improve treatment of detainees, lower costs and address the needs of juvenile detainees.

Subjects: County Affairs; Courts and Civil Matters; Municipalities/City Government; Family and Juveniles; Public Safety and Corrections; Interim Studies and Interim Committees

Related: 2020:SM15

Progress: 1st House: Reported from Committees

Status: 01/28/2020 – House Calendar

History: 01/22/2020—H Introduced and referred to House Judiciary.
01/28/2020—H Reported Do Pass as amended by House Judiciary.

Scheduled: 01/31/2020—House Calendar, 10:30 a.m., House Chamber
02/03/2020—House Calendar, 10:00 a.m., House Chamber

Comments: The committee voted unanimously to support this legislation, as there have been a number of problems associated with, and challenges posed by, the closure of juvenile detention centers. A public member noted that the NMSC’s Juvenile Committee discussed this issue extensively and voted to support this memorial, and that the state has gone from a high of 18 juvenile detention centers to five, with more possibly closing soon, thus it is critical to

study this issue.

Bill: SB5
Sponsors: Cervantes (D31); Ely (D23)
Title: EXTREME RISK FIREARM PROTECTION ORDER ACT
Summary: (On Governor's call) (Identical to 2020 HB7; almost identical to 2019 HB83) Creates the Extreme Risk Firearm Protection Order Act to provide a method to petition for a court order to prevent a dangerous person from possessing or buying a firearm or ammunition. Provides for three types of extreme risk protection orders: emergency, ex parte temporary, and one-year orders. Provides for termination and extension of one-year orders. Requires timely hearings. Creates immunity from liability for providing information or participating in proceedings. Requires safe storage of firearms in households where an order applies. Imposes misdemeanor penalties for violation of an order. Forbids issuance of a concealed handgun permit to a person subject to an extreme risk protection order.
Subjects: Alcohol, Firearms and Tobacco Products; Courts and Civil Matters; Criminal Code; Public Safety and Corrections
Related: 2019:HB83; 2020:HB7
Progress: 1st House: Reported from Committees
Status: 01/29/2020 – Senate Judiciary Committee
History: 01/21/2020—S Introduced and referred to Senate Committee's Committee.
 01/21/2020—S Also referred to Senate Public Affairs.
 01/21/2020—S Also referred to Senate Judiciary.
 01/22/2020—S Reported germane by Senate Committee's Committee.
 01/29/2020—S Reported Do Pass by Senate Public Affairs.
Comments: The committee voted not to support this legislation, based on concerns from the DAs, that the search warrants as outlined in the legislation may not be constitutional and there was great potential for abuse, by a vote of 9-2 (DPS and NMCD against), with CYFD abstaining. LOPD noted that they had concerns about due process and potential Fourth Amendment violations; additionally, LOPD noted that this was a new search warrant universe and recommended that an exception to the warrant exception for plain view be created in statute to support the aims of this bill. A public member worried that there was no treatment component to the legislation. CYFD noted that there could be issues if there was a minor with suicidal ideation in the household, a household member could protest having their firearms taken.

Bill: SB27
Sponsors: Rue (R23)
Title: STATE POLICE STRIKE FORCE IN ALBUQUERQUE
Summary: Relates to the Governor's authority to detail state police officers to be stationed in certain municipalities to handle disturbances or to investigate specific law violations. Amends Sec. 29-2-21 to require the Governor to convene a strike force of 30 State Police officers to be stationed in Albuquerque (a municipality with a population of 500,000 plus) for a period of one year—from July 1, 2020 until June 30, 2021.
Subjects: Public Safety and Corrections; Municipalities/City Government; State Affairs and State Agencies
Progress: Introduced
Status: 01/21/2020 – Senate Committee's Committee
History: 01/21/2020—S Introduced and referred to Senate Committee's Committee.
 01/21/2020—S Also referred to Senate Judiciary.
 01/21/2020—S Also referred to Senate Finance.
Comments: No action was taken on this legislation.

Bill: SB66
Sponsors: Tallman (D18)
Title: HUMAN TRAFFICKING OF MINORS: FUNDS FOR SERVICES
Summary: Appropriates \$250,000 (GF) to the Crime Victims Reparation Commission for use in FY2021 and subsequent fiscal years to provide services to victims of human trafficking who are minors and who are trafficked within the United States.
Subjects: Appropriations; Criminal Code; Public Safety and Corrections; Human Services; Family and Juveniles
Progress: 1st House: Reported from Committees
Status: 01/30/2020 – Senate Finance Committee
History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
 01/22/2020—S Also referred to Senate Judiciary.
 01/22/2020—S Also referred to Senate Finance.
 01/23/2020—S Reported germane by Senate Committee's Committee.
 01/30/2020—S Reported Do Pass by Senate Judiciary.
Comments: The committee voted to support this legislation by a vote of 10-0, with LOPD and DPS abstaining.

Bill: SB75
Sponsors: Stewart (D17)
Title: WILDLIFE TRAFFICKING ACT

Summary: (Similar to 2019 SB38, pocket vetoed by Governor last year, and 2017 SB81) Creates the Wildlife Trafficking Act and imposes criminal penalties for engaging in poaching and trafficking of certain wildlife threatened with extinction or covered by the Convention on International Trade in Endangered Species.

Subjects: Indians; Courts and Civil Matters; Criminal Code; Agriculture and Ranching; Natural Resources (Parks and Wildlife)

Progress: 1st House: Reported from Committees

Status: 01/30/2020 – Senate Judiciary Committee

History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
01/22/2020—S Also referred to Senate Conservation.
01/22/2020—S Also referred to Senate Judiciary.
01/23/2020—S Reported germane by Senate Committee's Committee.
01/30/2020—S Reported Do Pass by Senate Conservation.

Comments: No action was taken on this legislation.

Bill: **SB91**

Sponsors: Lopez (D11)

Title: BAN ON FLAVORED E-CIGARETTE PRODUCTS

Summary: (Related to 2020 HB54 and 2019 HB260, SB68 and SB343) Makes unlawful (1) the knowing sale, offer to sell, barter or gift of a flavored e-cigarette product to a person, (2) procuring or attempting to procure any flavored e-cigarette product and (3) providing free samples of flavored e-cigarette products to anyone.

Subjects: Alcohol, Firearms and Tobacco Products; Courts and Civil Matters; Health and Medical Practice; Taxation, Fees and Audits

Related: 2020:HB54; 2019:HB260; 2019:SB68; 2019:SB343

Progress: 1st House: Reported from Committees

Status: 01/27/2020 – Senate Public Affairs Committee

History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
01/22/2020—S Also referred to Senate Public Affairs.
01/22/2020—S Also referred to Senate Judiciary.
01/27/2020—S Reported germane by Senate Committee's Committee.

Scheduled: 01/31/2020—Senate Public Affairs Committee, 1:30 p.m. or 1/2 hour after session, Room 321

Comments: The committee voted to table this legislation by a vote of 11-0, with DPS abstaining.

Bill: **SB92**

Sponsors: Lopez (D11); Roybal Caballero (D13)

Title: NO ALCOHOL SALES NEAR A CHURCH OR SCHOOL

Summary: Clarifies that no alcohol sales are permitted within 300 feet of the property on which a church or school is located, as measured from the outer bounds of the licensed premises' property to the outer bounds of the property on which a school or church is located.

Subjects: Alcohol, Firearms and Tobacco Products; Schools and Teachers

Progress: Introduced

Status: 01/22/2020 – Senate Committee's Committee

History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
01/22/2020—S Also referred to Senate Corporations & Transportation.
01/22/2020—S Also referred to Senate Judiciary.

Comments: The committee voted to table this legislation by a vote of 11-0, with DPS abstaining.

Bill: **SB97**

Sponsors: Steinborn (D36)

Title: EXTEND TIME TO PROSECUTE SEXUAL PENETRATION CRIMES AGAINST CHILDREN

Summary: (Related to 2019 SB55 vetoed for technical drafting error that removed certain tolling protections) Amends Sec. 30-1-8 of the Criminal Code to extend the time period for prosecution of a crime of criminal sexual penetration of a child to any time after the occurrence of the crime and until the alleged victim is 30 years old.

Subjects: Criminal Code; Family and Juveniles

Related: 2019:SB55

Progress: 1st House: Reported from Committees

Status: 01/31/2020 – Senate Judiciary Committee

History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
01/22/2020—S Also referred to Senate Public Affairs.
01/22/2020—S Also referred to Senate Judiciary.
01/27/2020—S Reported germane by Senate Committee's Committee.
01/31/2020—S Reported Do Pass as amended by Senate Public Affairs.

Comments: The DAs noted that often child victims do not come forward until they were older, and that there was a real need for this legislation. No action was taken on this legislation.

Bill: **SB100**

Sponsors: Sedillo Lopez (D16)

Title: LAW ENFORCEMENT USE OF EXCESSIVE OR DEADLY FORCE

Summary: (Similar to 2019 SB476 and HB493) Establishes a notice and hearing procedure

following the use of excessive or deadly force by a law enforcement officer in the course of the officer's duties that results in a person's death or injury. Directs the Attorney General to select a special prosecutor, who will determine whether the investigation shall be made by a law enforcement agency or an independent investigator, and who is directed to prosecute the officer if the court finds probable cause. Applies to a state or municipal police officer, county sheriff, deputy sheriff, conservation officer, motor transportation enforcement officer or other state employee authorized by state law to enforce criminal statutes.

Subjects: Criminal Code; Public Safety and Corrections; Transportation; Natural Resources (Parks and Wildlife)

Progress: Introduced

Status: 01/23/2020 – Senate Committee's Committee

History: 01/23/2020—S Introduced and referred to Senate Committee's Committee.
01/23/2020—S Also referred to Senate Public Affairs.
01/23/2020—S Also referred to Senate Judiciary.

Comments: The committee voted unanimously to table this legislation.

Bill: **SB106**

Sponsors: Sedillo Lopez (D16)

Title: CRIME VICTIM RELEASE FROM LEASE

Summary: (Very similar to 2019 SB423) Amends the Uniform Owner-Resident Relations Act to allow tenants who are victims of domestic violence or sexual assault to be released without penalty from lease agreements. Imposes penalties for false reporting by tenant. Requires owner to refuse access to premises by the agitator named in protection order. Agitator is subject to civil damages to owner.

Subjects: Courts and Civil Matters; Criminal Code; Business, Manufacturing and Economic Development; Public Safety and Corrections

Related: 2019:SB423

Progress: Introduced

Status: 01/22/2020 – Senate Committee's Committee

History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
01/22/2020—S Also referred to Senate Public Affairs.
01/22/2020—S Also referred to Senate Judiciary.

Comments: No action was taken on this legislation.

Bill: **SB115**

Sponsors: Ortiz y Pino (D12); Martinez, J. (D11)

Title: CANNABIS REGULATION ACT: LEGALIZATION OF COMMERCIAL CANNABIS

Summary: (Please see, "NMLR Extended Analysis" section on right-hand side of Welcome Page for complete analysis.) Relates to the legalization, production, use, sale, taxation and licensure of commercial cannabis activities. Creates the Cannabis Regulation Act to regulate the commercial production, possession manufacture, storage, testing, researching, labeling, transportation, couriering and sale of cannabis and cannabis products. A 9% excise tax is imposed on the retail sales of cannabis products in the state through creation of the Cannabis Tax Act; authorizes an additional 4% to be imposed by cities and counties in increments of 1/16--in addition to existing gross receipts taxes. DOH retains authority to establish an application and licensing fee for personal production licenses. (Other activities related to the medical cannabis program, to cannabis training and education or to the personal use of cannabis are major components of the bill, but do not fall within the scope of a "commercial cannabis activity.")

Subjects: Labor; Higher Education; Public Safety and Corrections; Health and Medical Practice; Agriculture and Ranching; Business, Manufacturing and Economic Development; Construction and Materials; County Affairs; Courts and Civil Matters; Criminal Code; Family and Juveniles; Indians; Taxation, Fees and Audits; Municipalities/City Government

Progress: 1st House: Reported from Committees

Status: 01/29/2020 – Senate Judiciary Committee

History: 01/22/2020—S Introduced and referred to Senate Committee's Committee.
01/22/2020—S Also referred to Senate Public Affairs.
01/22/2020—S Also referred to Senate Judiciary.
01/22/2020—S Also referred to Senate Finance.
01/27/2020—S Reported germane by Senate Committee's Committee.
01/29/2020—S Reported Do Pass by Senate Public Affairs.

Comments: The committee voted unanimously to table this legislation.

Bill: **SB126**

Sponsors: Rodriguez (D24)

Title: FUNDS FOR LAW ENFORCEMENT-ASSISTED DIVERSION

Summary: Appropriates \$500,000 (GF) to the DFA's Local Government Division for use in FY2021 for operational support for law enforcement-assisted diversion in the City of Santa Fe, Santa Fe County, Rio Arriba

Subjects: County, Bernalillo County, and Dona Ana County.
Progress: Appropriations; Public Safety and Corrections; County Affairs; Municipalities/City Government
Status: 1st House: Reported from Committees
 01/27/2020 – Senate Public Affairs Committee
History: 01/23/2020—S Introduced and referred to Senate Committee's Committee.
 01/23/2020—S Also referred to Senate Public Affairs.
 01/23/2020—S Also referred to Senate Finance.
 01/27/2020—S Reported germane by Senate Committee's Committee.
Comments: The committee voted to support this legislation, as it would expand the use of LEAD in the state, by a vote of 11-0, with DPS abstaining.

Bill: **SB128**
Sponsors: Papen (D38)
Title: CHANGES TO ASSISTED OUTPATIENT TREATMENT ACT
Summary: Amends the Assisted Outpatient Treatment Act to add services to the definition of "assisted outpatient treatment." Adds a district attorney to the persons who may file a petition for an order authorizing assisted outpatient treatment. Repeals a delayed repeal of sections of the Assisted Outpatient Treatment Act.
Subjects: Health and Medical Practice; Human Services; Courts and Civil Matters
Progress: 1st House: Reported from Committees
Status: 01/27/2020 – Senate Public Affairs Committee
History: 01/23/2020—S Introduced and referred to Senate Committee's Committee.
 01/23/2020—S Also referred to Senate Public Affairs.
 01/23/2020—S Also referred to Senate Judiciary.
 01/27/2020—S Reported germane by Senate Committee's Committee.
Comments: The committee voted not to support this legislation, as the DAs already have a method to commit someone to inpatient treatment and that they do not need to get involved with the Assisted Outpatient Treatment Act system, by a vote of 7-0, with NMCD, AOC, DPS, and two public members abstaining.

Bill: **SB149**
Sponsors: Sedillo Lopez (D16)
Title: COURTHOUSE ARRESTS PROHIBITED
Summary: Prohibits an arrest of any person on any court property or en route to or from any court absent a judicially issued warrant. Provides a procedure for seeking a writ of

Subjects: protection from arrest for the purposes of traveling to, staying and leaving a court for a judicial proceeding. Provides for penalties.
Progress: Criminal Code; Courts and Civil Matters; Public Safety and Corrections
Status: Introduced
 01/23/2020 – Senate Committee's Committee
History: 01/23/2020—S Introduced and referred to Senate Committee's Committee.
 01/23/2020—S Also referred to Senate Public Affairs.
 01/23/2020—S Also referred to Senate Judiciary.
Comments: The committee voted to table this legislation by a vote of 11-1 (Magistrate against). The DAs noted that if a crime has been committed by the person in question, there would be a need to make an arrest, and the bill would create a law-free zone. DPS noted that Colorado has passed a law doing something similar, but their law was limited to civil arrest orders; additionally, the sealing provisions mean that an officer could make an arrest without knowing that someone had an order prohibiting arrest. LOPD noted that their FIR for this bill had stated that the bill should specify civil arrests; LOPD also noted that they support the underlying concept driving this legislation.

Bill: **SB172**
Sponsors: Brandt (R40)
Title: FELONY THREAT OF SHOOTING AT A SCHOOL OR PUBLIC PLACE
Summary: (Similar to 2019 SB146) Adds a section to the Criminal Code making a threat of a school shooting or shooting in a place open to the public a fourth degree felony.
Subjects: Schools and Teachers; Courts and Civil Matters
Related: 2019:SB146
Progress: Introduced
Status: 01/27/2020 – Senate Committee's Committee
History: 01/27/2020—S Introduced and referred to Senate Committee's Committee.
 01/27/2020—S Also referred to Senate Public Affairs.
 01/27/2020—S Also referred to Senate Judiciary.
 01/27/2020—S Also referred to Senate Finance.

Bill: **SB185**
Sponsors: Martinez, Richard (D5)
Title: ADDITIONAL JUDGESHIPS IN FIRST, SECOND, THIRD AND TWELFTH DISTRICTS
Summary: (Endorsed by the Courts, Corrections and Justice Committee) Creates five additional

Subjects: district court judgeships and appropriates a total of \$1,543,200 (GF) to the courts for FY2021 to pay for salaries, benefits, furniture, equipment and supplies.
Progress: Courts and Civil Matters; Appropriations
Status: 1st House: Reported from Committees
History: 01/29/2020 – Senate Judiciary Committee
 01/28/2020—S Introduced and referred to Senate Committee's Committee.
 01/28/2020—S Also referred to Senate Judiciary.
 01/28/2020—S Also referred to Senate Finance.
 01/29/2020—S Reported germane by Senate Committee's Committee.

Bill: **SB186**
Sponsors: Martinez, Richard (D5)
Title: TRAFFIC CITATIONS TO BE COLLECTED BY COURTS
Summary: (For the Courts, Corrections and Justice Committee) Transfers responsibility for processing of penalty assessment misdemeanors cited on the uniform traffic citation form from the Motor Vehicle Division of TRD to the court system. Makes AOC responsible for routing receipts from penalty assessment misdemeanors (PAM) to the state general fund and to eight other state funds, as appropriate.
Subjects: Schools and Teachers; Courts and Civil Matters; Transportation; State Affairs and State Agencies; Taxation, Fees and Audits
Progress: Introduced
Status: 01/28/2020 – Senate Committee's Committee
History: 01/28/2020—S Introduced and referred to Senate Committee's Committee.
 01/28/2020—S Also referred to Senate Corporations & Transportation.
 01/28/2020—S Also referred to Senate Judiciary.

Bill: **SB187**
Sponsors: Martinez, Richard (D5)
Title: NO AFFIDAVIT FOR JURY DUTY EXEMPTION FOR 75-YEAR-OLDS
Summary: (Endorsed by the Courts, Corrections and Justice Committee) (Identical to 2019 SB174, passed unanimously by both chambers and pocket vetoed by the Governor) Allows persons 75 years of age or older to be exempted from jury service by simply making a request. Removes the requirement for an affidavit to be presented to the court.
Subjects: Courts and Civil Matters; Aging
Progress: Introduced
Status: 01/28/2020 – Senate Committee's Committee
History: 01/28/2020—S Introduced and referred to Senate Committee's Committee.

01/28/2020—S Also referred to Senate Public Affairs.
 01/28/2020—S Also referred to Senate Judiciary.

Bill: **SB196**
Sponsors: Sedillo Lopez (D16)
Title: INNOCENCE AND JUSTICE PROJECT
Summary: Appropriates \$250,000 (GF) to the Public Defender Department for use in FY 2021 for exploring creating an innocence and justice project and for other department needs.
Subjects: Criminal Code; Appropriations; Civil Rights
Progress: 1st House: Reported from Committees
Status: 01/29/2020 – Senate Judiciary Committee
History: 01/28/2020—S Introduced and referred to Senate Committee's Committee.
 01/28/2020—S Also referred to Senate Judiciary.
 01/28/2020—S Also referred to Senate Finance.
 01/29/2020—S Reported germane by Senate Committee's Committee.

Bill: **SB197**
Sponsors: Baca (R29)
Title: DISPOSITION OF YOUTHFUL OFFENDER AMENABLE TO TREATMENT
Summary: Relates to the Delinquency Act. Allows for the imposition of a stayed adult criminal sentence upon adjudication of a youthful offender.
Subjects: Criminal Code; Public Safety and Corrections; Family and Juveniles; Human Services
Progress: Introduced
Status: 01/28/2020 – Senate Committee's Committee
History: 01/28/2020—S Introduced and referred to Senate Committee's Committee.
 01/28/2020—S Also referred to Senate Public Affairs.
 01/28/2020—S Also referred to Senate Judiciary.
 01/28/2020—S Also referred to Senate Finance.

Bill: **SB202**
Sponsors: Munoz (D4)
Title: FUNDS FOR SCHOOL RESOURCE OFFICERS AND GOVERNOR'S DEPLOYMENT
Summary: (Almost identical to 2020 SB202; related to 2019 HB330 and HB129, 2017 SB399) Requires specific training for certified law enforcement officers working as school resource officers; provides funding from the Law Enforcement Protection Fund for school district police departments with full-time school resource officers. Changes distributions from the fund to a flat

\$45,000 annual amount for municipalities, school districts and counties; increases distributions to university, tribal and school district police departments; provides additional training funds for municipal, sheriff and school district departments that assign officers as school resource officers. Provides for a new distribution to the Department of Public Safety of up to \$2.0 million for overtime-related costs of Governor-ordered special deployments (after all other distributions have been made). Retains provision for reduced allocations for fund balance shortfalls.

Subjects: Public Safety and Corrections; Schools and Teachers; Indians

Related: 2020:SB202; 2019:HB129; 2017:SB399

Progress: 1st House: Reported from Committees

Status: 01/30/2020 – Senate Education Committee

History: 01/28/2020—S Introduced and referred to Senate Committee's Committee.
01/28/2020—S Also referred to Senate Education.
01/28/2020—S Also referred to Senate Finance.
01/30/2020—S Reported germane by Senate Committee's Committee.

Bill: **SB208**

Sponsors: Sanchez, C. (D30)

Title: CRIMINALIZE FALSE REPORT OF DOMESTIC VIOLENCE ABUSE

Summary: Creates the crime of a fourth degree felony for the knowingly false report of domestic violence abuse with the intent to gain monetary or property incentives, to gain child custody or to procure a restraining order or with the intent of withholding information that would exonerate a person accused of committing domestic violence.

Subjects: Criminal Code; Family and Juveniles

Progress: Introduced

Status: 01/29/2020 – Senate Committee's Committee

History: 01/29/2020—S Introduced and referred to Senate Committee's Committee.
01/29/2020—S Also referred to Senate Public Affairs.
01/29/2020—S Also referred to Senate Judiciary.

Bill: **SB221**

Sponsors: Ingle (R27)

Title: DEATH PENALTY REINSTATED

Summary: Reinstates the death penalty by amending Sec. 31-18-14 to provide that when a defendant has been convicted of a capital felony, the defendant shall be punished by life imprisonment, life imprisonment without the possibility of release or parole or death.

Subjects: Criminal Code; Public Safety and

Corrections; Constitutional Issues and Amendments; Human Services; County Affairs; Municipalities/City Government; Health and Medical Practice

Progress: Introduced

Status: 01/30/2020 – Senate Committee's Committee

History: 01/30/2020—S Introduced and referred to Senate Committee's Committee.
01/30/2020—S Also referred to Senate Public Affairs.
01/30/2020—S Also referred to Senate Judiciary.
01/30/2020—S Also referred to Senate Finance.

Bill: **SB231**

Sponsors: Brandt (R40)

Title: LAW ENFORCEMENT TECHNOLOGY AND EVIDENCE KEEPING

Summary: Appropriates \$100 million (GF) to the Department of Public Safety for use in FY2021 to provide grants to county and municipal law enforcement entities to modernize and upgrade technology, evidence keeping and information sharing.

Subjects: Appropriations; Public Safety and Corrections; County Affairs; Municipalities/City Government; Information Technology

Progress: Introduced

Status: 01/31/2020 – Senate Committee's Committee

History: 01/31/2020—S Introduced and referred to Senate Committee's Committee.
01/31/2020—S Also referred to Senate Judiciary.
01/31/2020—S Also referred to Senate Finance.

Bill: **SJM5**

Sponsors: Ortiz y Pino (D12)

Title: STUDY WORKPLACE VIOLENCE AGAINST HEALTH CARE WORKERS

Summary: Requests that the Interagency Behavioral Health Purchasing Collective convene a work group to study issues of violence against health care workers in the workplace.

Subjects: Health and Medical Practice; Human Services; County Affairs; Municipalities/City Government; Aging; Public Safety and Corrections; Courts and Civil Matters

Progress: Introduced

Status: 01/23/2020 – Senate Rules Committee

History: 01/23/2020—S Introduced and referred to Senate Rules.
01/23/2020—S Also referred to Senate Public Affairs.

Scheduled: 01/31/2020—Senate Rules Committee, 8:30 a.m., Room 321

Comments: No action was taken on this legislation.

Bill: **SJR2**
Sponsors: Candelaria (D26)
Title: CA: APPELLATE JUDGES NOMINATING COMMISSION MEMBERSHIP
Summary: Proposes an amendment to the Constitution to allow a designee of the dean of the UNM School of Law to serve on the Appellate Judges Nominating Commission in place of the dean.
Subjects: Constitutional Issues and Amendments; Courts and Civil Matters; Higher Education
Progress: 1st House: Reported from Committees
Status: 01/31/2020 – Senate Judiciary Committee
History: 01/21/2020—S Introduced and referred to Senate Rules.
 01/21/2020—S Also referred to Senate Judiciary.
 01/31/2020—S Reported Do Pass by Senate Rules.
Scheduled: 01/31/2020—Senate Rules Committee, 8:30 a.m., Room 321
Comments: No action was taken on this legislation.

Bill: **SM8**
Sponsors: Ortiz y Pino (D12)
Title: TASK FORCE ON SENIOR CITIZEN AND DISABLED CITIZEN FINANCIAL ABUSE
Summary: Requests a task force to study and recommend a framework, including proposed laws and penalties, to combat financial abuse of senior citizens and citizens with disabilities.
Subjects: Aging; Family and Juveniles; Courts and Civil Matters; Interim Studies and Interim Committees
Progress: Introduced
Status: 01/22/2020 – Senate Rules Committee
History: 01/22/2020—S Introduced and referred to Senate Rules.
 01/22/2020—S Also referred to Senate Public Affairs.
Scheduled: 01/31/2020—Senate Rules Committee, 8:30 a.m., Room 321
Comments: No action was taken on this legislation.

Bill: **SM15**
Sponsors: Ortiz y Pino (D12)
Title: JUVENILE DETENTION STUDY
Summary: (Duplicate of 2020 HM14) Requests that New Mexico Counties study and make recommendations on matters related to juvenile detention in an effort to improve treatment of detainees, lower costs and address the needs of juvenile detainees.
Subjects: County Affairs; Courts and Civil Matters; Municipalities/City Government; Family and Juveniles; Public Safety and Corrections
Related: 2020:HM14
Progress: Introduced
Status: 01/23/2020 – Senate Rules Committee
History: 01/23/2020—S Introduced and referred to

Senate Rules.
 01/23/2020—S Also referred to Senate Judiciary.
Comments: The committee voted unanimously to support this legislation, as there have been a number of problems associated with, and challenges posed by, the closure of juvenile detention centers. A public member noted that the NMSC's Juvenile Committee discussed this issue extensively and voted to support this memorial, and that the state has gone from a high of 18 juvenile detention centers to five, with more possibly closing soon, thus it is critical to study this issue.