

New Mexico Sentencing Commission Bill Tracker (2020 Reg)

<p>Bill: HB7 Sponsors: Ely (D23) Title: EXTREME RISK FIREARM PROTECTION ORDER ACT 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 Status: 01/22/2020 ñ 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.</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>History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.</p>
<p>Bill: HB18 Sponsors: Hochman-Vigil (D15) Title: NO IMMUNITY FOR BAD FAITH REPORTS ON CHILD ABUSE OR NEGLECT 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 Status: 01/22/2020 ñ House Rules and Order of Business Committee History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.</p>	<p>Bill: HB33 Sponsors: Rehm (R31) Title: VIOLENT FELONIES FOR LIFE IMPRISONMENT 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, which includes murder in the first degree) or Sec. 32A-2-20 (disposition of a youthful offender as an adult).</p> <p>Subjects: Public Safety and Corrections; Criminal Code Progress: 1st House: Referred to Committee Status: 01/22/2020 ñ House Rules and Order of Business Committee History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.</p>
<p>Bill: HB32 Sponsors: Rehm (R31) Title: PRETRIAL PARTICIPATION IN SUBSTANCE ABUSE PROGRAM 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 Progress: 1st House: Referred to Committee Status: 01/22/2020 ñ House Rules and Order of Business Committee</p>	<p>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.</p> <p>Subjects: Criminal Code; Public Safety and Corrections; Transportation Progress: 1st House: Referred to Committee Status: 01/22/2020 ñ House Rules and Order of Business Committee History: 01/22/2020—H Introduced and referred to House Rules & Order of Business.</p>
<p>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.</p> <p>Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Alcohol, Firearms and Tobacco Products Progress: 1st House: Referred to Committee Status: 02/08/2020 ñ Substituted by another bill 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. 02/08/2020—H Note: (Substituted in HJC by HB6; see HB6 for succeeding entries.)</p> <p>Comments: The committee voted not to support this legislation, based on</p>	<p>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.</p> <p>Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Alcohol, Firearms and Tobacco Products Progress: 1st House: Referred to Committee Status: 02/08/2020 ñ Substituted by another bill 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. 02/08/2020—H Note: (Substituted in HJC by HB6; see HB6 for succeeding entries.)</p> <p>Comments: The committee voted not to support this legislation, based on</p>

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 in 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 in 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 in 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: 2nd House: Reported from Committees
Status: 02/17/2020 in Senate Calendar
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.
 02/05/2020—H Reported Do Pass by House Consumer & Public Affairs.
 02/13/2020—H Reported Do Pass by House Judiciary.
 02/15/2020—H Opened for floor debate.
 02/15/2020—H Floor amendments adopted (Amendment 1) (Rep. Sheryl Stapleton) Voice Vote.
 02/15/2020—H Passed 52-13.
 02/15/2020—S Received in the Senate and referred to Senate Corporations & Transportation.
 02/17/2020—S Reported Do Pass by Senate Corporations & Transportation.
Comments: LOPD noted that in some jurisdictions, a felony larceny charge is being charged, and there is a concern that if this bill were to pass, this would become a wider threat; many people with interlocks are uncomfortable going to the police to file a report; additionally, companies have civil remedies to recover any losses of an interlock, as those with an interlock sign a contract

with the interlock companies; requirements to get one's license back are already onerous, and this legislation might mean even more people driving unlicensed on our roads; there could be many unintended consequences of this bill. CYFD noted that there are other circumstances in which one could lose an interlock, such as having an accident, or the car being towed. No action was taken on this legislation.

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 ñ 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 ñ 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 ñ 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 ñ 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: 02/11/2020 ñ House Appropriations and Finance 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.
 02/11/2020—H Reported Do Pass by House Health & Human Services.
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: 02/08/2020 ñ Substituted by another bill
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.
 02/08/2020—H Note: (Substituted in HJC by HB6; see HB6 for succeeding entries.)

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.

member echoed this observation.

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 ñ 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: 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 icommercial cannabis activity.í) 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 ñ 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: HB156
Sponsors: Akhil (D20)
Title: CRIMINALIZE ILLEGALLY DISMANTLING STOLEN VEHICLES
Summary: HJC Substitute for HB156 retains the essence of the original bill by making it a third-degree felony to knowingly (or have reason to believe) own, operate, maintain or control a chop shop that illegally dismantles a motor vehicle, vehicle, stolen motor vehicle or stolen vehicle. Retains the same definition for a imotor vehicleí and adds a new definition for ivehicléí to mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.
Subjects: Criminal Code; Public Safety and Corrections
Related: 2019:HB509
Progress: 2nd House: Referred to Committee
Status: 02/15/2020 ñ Senate 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.
 02/13/2020—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.
 02/14/2020—H Referral withdrawn from House Appropriations & Finance.
 02/15/2020—H Opened for floor debate.
 02/15/2020—H Passed 62-2.
 02/15/2020—S Received in the Senate and referred to Senate Judiciary.
 02/15/2020—S Also referred to Senate Finance.
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

Bill: HB184
Sponsors: Ruiloba (D12)
Title: FUNDS FOR SCHOOL RESOURCE OFFICERS AND GOVERNORIS DEPLOYMENT
Summary: HJC substitute for HB184 preserves the intent of the original bill. Expands the definition of "school resources officer" to require that the officer not only be commissioned but also certified (presumably as having completed the training required by this act). Further, beginning with the 2021-22 school year, a law enforcement officer assigned as a school resource officer must complete the training required by this act within 12 months of assignment. Officers assigned as school resource officers prior to the 2021-22 school year and who have not received the required training must complete it by July 1, 2022.
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: 2nd House: Passed
Status: 02/20/2020 ñ Enrolling and Engrossing Pending
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.
 02/03/2020—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.
 02/14/2020—H Reported Do Pass as amended by House Appropriations & Finance.
 02/15/2020—H Opened for floor debate.
 02/15/2020—H Passed 62-1.
 02/15/2020—S Received in the Senate and referred to Senate Education.
 02/19/2020—S Reported Do Pass by Senate Education.
 02/20/2020—S Opened for floor debate.
 02/20/2020—S Passed 39-0.

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; Human Services; Business, Manufacturing and Economic Development; Insurance
Progress: 1st House: Referred to Committee
Status: 01/24/2020 ñ House Rules and Order of Business Committee
History: 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 ñ 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 ñ 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 iLate-Term and Partial-Birth Abortion Ban Act.i 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 ñ 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 iborn alive.i Mandates reporting and imposes penalties. Provides civil remedies and creates a task force to monitor iborn alivei 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 ñ 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 ñ 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 ñ 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

Subjects: 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.
 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 ñ 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 the influence of intoxicating liquor or drugs.
Subjects: Criminal Code; Transportation; Alcohol, Firearms and Tobacco Products; Public Safety and Corrections
Progress: 1st House: Referred to Committee
Status: 01/24/2020 ñ 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 ñ 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: 2nd House: Referred to Committee
Status: 02/15/2020 ñ Senate Judiciary Committee
History: 01/24/2020—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 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.
 02/05/2020—H Reported Do Pass by House Consumer & Public Affairs.
 02/13/2020—H Reported Do Pass as amended by House Judiciary.
 02/14/2020—H Referral withdrawn from House Appropriations & Finance.

02/15/2020—H Opened for floor debate.
 02/15/2020—H Passed 66-0.
 02/15/2020—S Received in the Senate and referred to Senate Judiciary.
Comments: The committee voted to not support this legislation, based on LOPD concerns that this bill includes mandatory sentencing, it overburdens the registration efforts for sex offenders, and it contains many new provisions that should be discussed at length in the interim committee process, by a vote of 6-1 (CYFD against), with the DAs, DPS, NMCD, and a public member abstaining. A public member noted that there were many problems with this bill, including the provision to eliminate the statute of limitations in the bill; the member also noted that prostitution is already covered in our existing racketeering statutes; the member added support for addressing these issues in the interim, and noted that as these crimes are already covered in state law in some fashion, victims of human trafficking will not be unprotected.

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 ñ 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 ñ 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: HJC Substitute for HB263 is similar to the original version. Refines prerequisites for probation and parole conditions, violations and revocations; transfers proceeds in the Corrections Department Intensive Supervision Fund to the General Fund; imposes detailed reporting requirements for probation and parole arrests on Corrections Department; and provides an incentives and sanctions system to guide responses to probationer and parolee behavior.
Subjects: Criminal Code; Indians; Public Safety and Corrections
Related: 2019:HB564; 2019:SB69; 2019:SB73; 2019:SB75; 2019:SB561
Progress: 2nd House: Referred to Committee
Status: 02/16/2020 ñ Senate 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.
 02/13/2020—H Reported Do Not Pass but Do Pass as substituted by House Judiciary.
 02/15/2020—H Opened for floor debate.
 02/15/2020—H Passed 47-17.
 02/16/2020—S Received in the Senate and referred to Senate Judiciary.

Comments: As there were known to be many amendments coming to this bill, discussion was postponed on this bill.

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: 1st House: Referred to Committee
Status: 01/30/2020 ñ 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.
Comments: As there were known to be many amendments coming to this bill, discussion was postponed on this bill.

Bill: HB269
Sponsors: Hochman-Vigil (D15)
Title: DOMESTIC TERRORISM; ALL SOURCE INTELLIGENCE CENTER
Summary: (Relates to House Executive Message 56) 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: 2nd House: Referred to Committee
Status: 02/15/2020 ñ Senate 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 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.
 02/05/2020—H Reported Do Pass as amended by House Consumer & Public Affairs.
 02/11/2020—H Reported Do Pass as amended by House

Judiciary.
 02/11/2020—H Referral withdrawn from House Appropriations & Finance.
 02/14/2020—H Opened for floor debate.
 02/14/2020—H Floor amendments adopted (Amendment 1) (Rep. Dayan Hochman-Vigil) Voice Vote.
 02/14/2020—H Passed 62-1.
 02/15/2020—S Received in the Senate and referred to Senate Judiciary.
 02/15/2020—S Also referred to Senate Finance.

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

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: 1st House: Referred to Committee
Status: 02/04/2020 ñ House Appropriations and Finance 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.
 02/04/2020—H Reported Do Pass as amended by House Judiciary.
Comments: NMSC noted that the Commission could perform the data-gathering required in this legislation, but that the bill further argues the need for the Commission to be funded for an additional FTE in the budget; the NMSC also noted that there seemed to be a wish to tie this legislation to the Crime Reduction Grant Act, especially given the involvement of the CJCCs, but wondered why this legislation was not folded into that Act. No action was taken on this legislation.

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: 2nd House: Referred to Committee
Status: 02/18/2020 ñ Senate Judiciary Committee
History: 01/31/2020—H Introduced and referred to House Rules & Order of Business.
 02/11/2020—H Found Germane by Speaker Egolf and removed from Rules Committee pursuant to House Executive Message 66.
 02/11/2020—H Also referred to House State Government, Elections & Indian Affairs.
 02/14/2020—H Reported Do Pass as amended by House State Government, Elections & Indian Affairs.
 02/17/2020—H Opened for floor debate.

02/17/2020—H Floor amendments adopted (Amendment 1)
 (Rep. Daymon Ely) Voice Vote.
 02/17/2020—H Passed 50-14.
 02/18/2020—S Received in the Senate and referred to Senate
 Judiciary.

Comments: The committee voted to not support this legislation, because the courts are not in favor of increasing fees to support operations, by a vote of 7-1 (DAs against), with the NMCD, CYFD, AGO, and DPS abstaining.

Bill: HB336
Sponsors: Hochman-Vigil (D15)
Title: BERNALILLO COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL
Summary: Appropriates \$335,000 (GF) to DFA's Local Government Division for use in FY2021 to provide for the operation of, and to create several positions within, the Bernalillo County Criminal Justice Coordinating Council, as follows:
Subjects: County Affairs; Municipalities/City Government; Appropriations; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/11/2020 ñ House Appropriations and Finance Committee
History: 02/03/2020—H Introduced and referred to House State Government, Elections & Indian Affairs.
 02/03/2020—H Also referred to House Appropriations & Finance.
 02/03/2020—H Found Germane by Speaker Egolf pursuant to Constitution.
 02/11/2020—H Reported Do Pass by House State Government, Elections & Indian Affairs.
Comments: No action was taken on this legislation.

Bill: HB358
Sponsors: Matthews (D27)
Title: STUDY BERNALILLO COUNTY METHAMPHETAMINE ADDICTION
Summary: Appropriates \$200,000 (GF) to the Department of Health for use in FY2021 to contract for services in Bernalillo County to 1) collect and assess data on the correlation between methamphetamine addiction and violent crime; 2) study the adequacy of existing resources in the state for treating addiction, overdoses and the impact of addiction and use on violent crime; 3) survey clinical practice guidelines for meth addiction treatment; and 4) make recommendations for development and expansion of treatment services in the state.
Subjects: Health and Medical Practice; Appropriations; County Affairs; Criminal Code
Progress: 1st House: Reported from Committees
Status: 02/14/2020 ñ House Appropriations and Finance Committee
History: 02/05/2020—H Introduced and referred to House Health & Human Services.
 02/05/2020—H Also referred to House Appropriations & Finance.
 02/05/2020—H Found Germane by Speaker Egolf pursuant to Constitution.
 02/14/2020—H Reported Do Pass by House Health & Human Services.
Comments: LOPD noted that this bill is the kind of legislation on which the Legislature should be focusing, addressing core issues underlying criminal justice and public safety.

Bill: HB337
Sponsors: Hochman-Vigil (D15)
Title: PREPROSECUTION DIVERSION PROGRAMS COSTS
Summary: Appropriates \$250,000 (GF) to the Administrative Office of the District Attorneys for use in FY2021 to offset costs for drug tests administered in the operation of preprosecution diversion programs in the judicial districts.
Subjects: Courts and Civil Matters; Appropriations; Criminal Code
Progress: 1st House: Referred to Committee
Status: 02/03/2020 ñ House State Government, Elections and Indian Affairs Committee
History: 02/03/2020—H Introduced and referred to House State Government, Elections & Indian Affairs.
 02/03/2020—H Also referred to House Appropriations & Finance.
 02/03/2020—H Found Germane by Speaker Egolf pursuant to Constitution.
Comments: The committee voted to support this legislation, to support DA investment in preprosecution diversion programs, by a vote of 8-1 (a public member against), with the NMCD, LOPD, and DPS abstaining. The DAs noted that with the changes to statute last year, DAs lost this funding, and were meant to be able to apply for crime reduction grants to obtain funding, but that purpose was not funded when the Crime Reduction Grant Act was funded; the DAs added that last year's legislation does not prohibit fees, but discourages them; the DAs also noted that most, of not all, districts have some sort of preprosecution diversion program. LOPD noted that they support well-run preprosecution diversion programs with a targeted use of drug testing.

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
 2020:SM15
Related: 1st House: Reported from Committees
Status: 01/28/2020 ñ 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.
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: HB343
Sponsors: Sanchez (D40)
Title: MUNICIPAL COURT AUTOMATION FEE INCREASE
Summary: Increases the automation fee to be charged and collected as a municipal court cost from \$6 to \$10. The fees are collected from persons convicted of violating any ordinance relating to the operation of a motor vehicle or any ordinance that may be enforced by a team of imprisonment.
Subjects: Courts and Civil Matters; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 02/05/2020 ñ House Rules and Order of Business Committee
History: 02/05/2020—H Introduced and referred to House Rules & Order of Business.

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.

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

Related: 2019:HB83; 2020:HB7

Progress: Governor

Status: 02/14/2020 ñ Sent to the Governor

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.
02/06/2020—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.
02/07/2020—S Opened for floor debate.
02/07/2020—S Floor amendments adopted (Amendment 1) (Sen. Daniel Ivey-Soto) Roll Call 42-0.
02/07/2020—S Floor amendments adopted (Amendment 2) (Sen. Daniel Ivey-Soto) Voice Vote.
02/07/2020—S Floor amendments adopted (Amendment 3) (Sen. Daniel Ivey-Soto) Voice Vote.
02/07/2020—S Note: Audio: Amendment 3.
02/07/2020—S Floor amendments adopted (Amendment 4) (Sen. Jacob Candelaria) Roll Call 42-0.
02/07/2020—S Floor amendments adopted (Amendment 5) (Sen. Daniel Ivey-Soto) Voice Vote.
02/07/2020—S Floor amendments adopted (Amendment 6) (Sen. Daniel Ivey-Soto) Voice Vote.
02/07/2020—S Passed 22-20.
02/10/2020—H Received in the House and referred to House Consumer & Public Affairs.
02/12/2020—H Reported Do Pass by House Consumer & Public Affairs.
02/13/2020—H Opened for floor debate.
02/13/2020—H Note: Floor Amendment 1 (Rep. Baldonado) Tabled. Motion to table (38-30)..
02/13/2020—H Note: Floor Amendment 1 (Rep. Brown) Tabled. Motion to table (40-29)..
02/13/2020—H Note: Floor Amendment 1 (Rep. Rehms) Tabled. Motion to table (41-29)..
02/13/2020—H Passed 39-31.
02/14/2020—S Enrolled and engrossed.
02/14/2020—S Signed by Officers of Senate.
02/14/2020—H Signed by Officers of House.

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 ñ 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 ñ 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: 2nd House: Passed

Status: 02/18/2020 ñ Enrolling and Engrossing Pending

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.
02/04/2020—S Reported Do Pass as amended by Senate Judiciary.
02/06/2020—S Note: SJC committee report expunged and replaced.
02/08/2020—S Opened for floor debate.
02/08/2020—S Passed 22-9.
02/10/2020—H Received in the House and referred to House Judiciary.
02/15/2020—H Reported Do Pass by House Judiciary.
02/18/2020—H Opened for floor debate.
02/18/2020—H Note: Floor Amendment 1 (Rep. David Gallegos) Tabled. Motion to table roll call vote (36-23)..
02/18/2020—H Passed 42-22.

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

Subjects: anyone.
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 ñ 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.
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 ñ 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 extends 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 ñ 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 ñ 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 ñ 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 ñ 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 County, Bernalillo County, and Dona Ana County.
Subjects: Appropriations; Public Safety and Corrections; County Affairs; Municipalities/City Government
Progress: 1st House: Reported from Committees
Status: 02/05/2020 ñ Senate Finance 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.
 02/05/2020—S Reported Do Pass by Senate Public Affairs.
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: 2nd House: Passed
Status: 02/19/2020 ñ Passed in the House
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.
 02/07/2020—S Reported Do Pass as amended by Senate Public Affairs.
 02/13/2020—S Reported Do Pass by Senate Judiciary.
 02/14/2020—S Opened for floor debate.
 02/14/2020—S Passed 35-1.
 02/15/2020—H Received in the House and referred to House Health & Human Services.
 02/17/2020—H Reported Do Pass by House Health & Human Services.
 02/19/2020—H Opened for floor debate.
 02/19/2020—H Passed 68-0.
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 protection from arrest for the purposes of traveling to, staying and leaving a court for a judicial proceeding. Provides for penalties.
Subjects: Criminal Code; Courts and Civil Matters; Public Safety and Corrections

Progress: Introduced
Status: 01/23/2020 ñ 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 ñ 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.
Comments: The DAs noted that the bill would address a loophole in NM statutes, as these kinds of incidents happen on a weekly basis in some districts, but there is nothing to charge. LOPD noted that while they understand the concerns driving the bill, there were concerns about the breadth and reach of this legislation, and that at a minimum there should be a mens rea requirement, such as immanence, sincerity of the threat, or actual risk. No action was taken on this legislation.

Bill: SB185
Sponsors: Martinez, Richard (D5)
Title: ADDITIONAL JUDGESHIPS IN 1ST, 2ND, 3RD & 12TH DISTRICTS
Summary: SJC substitute for SB185 retains key provisions from original bill to authorize creation of five more district court judgeships, one in the 1st Judicial District, two in the 2nd Judicial District, one in the 3rd Judicial District and 1 in the 12th Judicial District and it retains the appropriations to pay for each position.
Subjects: Courts and Civil Matters; Appropriations
Progress: Governor
Status: 02/18/2020 ñ Sent to the Governor
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.
 02/06/2020—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.
 02/11/2020—S Reported Do Pass as amended by Senate Finance.
 02/12/2020—S Opened for floor debate.
 02/12/2020—S Passed 39-0.
 02/12/2020—H Received in the House and referred to House State Government, Elections & Indian Affairs.
 02/14/2020—H Reported Do Pass by House State Government, Elections & Indian Affairs.
 02/16/2020—H Opened for floor debate.

02/16/2020—H Passed 61-9.
 02/18/2020—S Enrolled and engrossed.
 02/18/2020—S Signed by Officers of Senate.
 02/18/2020—H Signed by Officers of House.
Comments: No action was taken on this legislation.

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 ñ 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.
Comments: No action was taken on this legislation.

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 ñ 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.
Comments: No action was taken on this legislation.

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: 02/06/2020 ñ Senate Finance 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.
 02/06/2020—S Reported Do Pass by Senate Judiciary.
Comments: The committee voted to support this legislation, based on LOPD view that the Innocence and Justice Project, currently housed at UNMSOL, was having problems getting grant funding, and thus there was a desire to place the IJP elsewhere, by a vote of 5-3 (DAs, a public member, and Magistrate Judge against), with CYFD, NMCD, and DPS abstaining. A public member noted that there were already many burdens put on LOPD, and that this seemed to be just one more. Another public member noted that there was a time when the LOPD had an aggressive habeas corpus function statewide that has now whittled down to a few

hardworking lawyers, and this funding would enable LOPD to work in that role again.

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 ñ 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.

Comments: The committee voted to not support this legislation, based on a public member's concerns that this type of juvenile disposition has been tried in a number of states without success, noting that in a study in Minnesota (iBackdoor to Prison), 75% of youth placed in this type of hybrid dispositional arrangement ended up in prison due to technical violations, by a vote of 3-1 (DAs against), with NMCD, CYFD, Magistrate Judge, DPS, the Chair, and two public members abstaining. CYFD noted that this legislation was trying to address issues that arose from high profile cases in the state, including one where the amenability determination was overturned, and it would give a court the chance to look back at how amenability and treatment functioned; CYFD also noted that unlike in Minnesota, this bill would require a motion by the district attorney and has a standard of proof beyond a reasonable doubt; additionally, the idea of staying a sentence goes towards a concern expressed in an earlier NM case where the Court of Appeals and the state Supreme Court have struggled with how to handle a child who has committed a very serious crime, but the court cannot tell whether treatment will work to rehabilitate the child. LOPD noted that they understand the challenges in predicting the future that judges faced with these cases have, but there are other ways to address the dilemma; it is very easy to violate the conditions of a juvenile disposition, which could result in an adult sentence; LOPD suggested an alternative statutory fix where there would be extended supervision of the court for the child beyond age 21.

Bill: SB202
Sponsors: Munoz (D4)
Title: FUNDS FOR SCHOOL RESOURCE OFFICERS AND GOVERNOR'S DEPLOYMENT
Summary: Senate Education Committee substitute for SB202 preserves the intent of the original bill; the substitute adds some specifications and clarifications to the training required of school resource officers and increases the distribution from the Law Enforcement Protection Fund to university police departments to \$45,000, up from \$25,000 in the original.
Subjects: Public Safety and Corrections; Schools and Teachers; Indians
Related: 2020:SB202; 2019:HB129; 2017:SB399
Progress: 2nd House: Referred to Committee
Status: 02/18/2020 ñ House Appropriations and Finance 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.
 02/08/2020—S Reported Do Not Pass but Do Pass as substituted by Senate Education.
 02/15/2020—S Reported Do Pass as amended by Senate Finance.
 02/16/2020—S Opened for floor debate.
 02/16/2020—S Note: Sen. Lopez motion to refer to SJC fails, 19-23.

02/16/2020—S Passed 35-7.
 02/18/2020—H Received in the House and referred to House Appropriations & Finance.
Comments: No action was taken on this legislation.

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 ñ 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.
Comments: LOPD noted that false reporting is already a misdemeanor. NMSC noted that perjury is already a 4th degree felony. No action was taken on this legislation.

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 ñ 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.
Comments: The committee voted to not support this legislation, based on LOPD concerns that there was no appropriation and that the bill limits the death penalty to a particular class of victim with no rational basis, by a vote of 7-0, with DAs, NMCD, CYFD, and DPS abstaining. LOPD noted that the average additional cost of a death penalty case in a recent study was \$1.5 million.

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: 1st House: Reported from Committees
Status: 02/06/2020 ñ Senate Finance 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.
 02/03/2020—S Reported germane by Senate Committee's Committee.
 02/06/2020—S Reported Do Pass by Senate Judiciary.
Comments: No action was taken on this legislation.

Bill: SB270
Sponsors: Ivey-Soto (D15); Chasey (D18)
Title: HANDLING OF ELECTRONIC COMMUNICATION INFORMATION
Summary: Amends the Electronic Communications Privacy Act to revise the requirements and procedures for a warrant for the search and seizure of electronic information and for the sealing and destruction of certain information. Also makes changes to the information required to be provided to the targets of a warrant and to the Attorney General under a delay of notification. Reduces the requirements of annual reports to the AG from government entities that obtain electronic communication information and the information that the AG must publish on the AG's website.
Subjects: Courts and Civil Matters; Criminal Code; State Affairs and State Agencies; Information Technology
Progress: 2nd House: Passed
Status: 02/19/2020 ñ Passed in the House
History: 02/04/2020—S Introduced and referred to Senate Committee's Committee.
 02/04/2020—S Also referred to Senate Public Affairs.
 02/04/2020—S Also referred to Senate Judiciary.
 02/07/2020—S Reported germane by Senate Committee's Committee.
 02/14/2020—S Reported Do Pass as amended by Senate Public Affairs.
 02/15/2020—S Reported Do Pass by Senate Judiciary.
 02/16/2020—S Opened for floor debate.
 02/16/2020—S Passed 39-0.
 02/18/2020—H Received in the House and referred to House Appropriations & Finance.
 02/18/2020—H Reported Do Pass by House Appropriations & Finance.
 02/19/2020—H Opened for floor debate.
 02/19/2020—H Passed 69-0.
Comments: DPS noted that although they are not behind this legislation, they had to create a task force to address some of the issues addressed by the bill; in discussions about retention of data, under current law, if law enforcement takes someone's computer, not only are, for example, any offending images removed, but any files on that computer are destroyed, such as family photos or the like. LOPD noted that members of the defense community met with the drafters of this bill during the drafting process.

Bill: SB278
Sponsors: Gonzales (D6)
Title: ALTERNATIVE FUEL ACQUISITION LOAN FUND
Summary: Appropriates \$5 million (GF) to the Alternative Fuel Acquisition Loan Fund for use in FY2021 and subsequent fiscal years for the Energy, Minerals and Natural Resources Department to make loans from the fund in accord with the Alternative Fuel Acquisition Act.
Subjects: Energy Resources and Chemicals; Appropriations; State Affairs and State Agencies; Business, Manufacturing and Economic Development
Progress: 1st House: Reported from Committees
Status: 02/11/2020 ñ Senate Finance Committee
History: 02/05/2020—S Introduced and referred to Senate Committee's Committee.
 02/05/2020—S Also referred to Senate Conservation.
 02/05/2020—S Also referred to Senate Finance.
 02/06/2020—S Reported germane by Senate Committee's Committee.
 02/11/2020—S Reported Do Pass by Senate Conservation.

Bill: SB280
Sponsors: Cervantes (D31)
Title: EQUAL SALARY: STATE SUPREME COURT AND FEDERAL DISTRICT COURT
Summary: Requires that the annual salary received by state Supreme Court justices shall equal the annual salary received by New Mexico Federal District Court judges.

Subjects: Courts and Civil Matters; Public Employees/Retirement
Progress: 1st House: Reported from Committees
Status: 02/08/2020 ñ Senate Finance Committee
History: 02/05/2020—S Introduced and referred to Senate Committee's Committee.
 02/05/2020—S Also referred to Senate Judiciary.
 02/05/2020—S Also referred to Senate Finance.
 02/06/2020—S Reported germane by Senate Committee's Committee.
 02/08/2020—S Reported Do Pass by Senate Judiciary.
Comments: AOC noted that this bill would add about \$12 million to the budget, as the salaries of all judges in the state are tied to the salaries of the Supreme Court Justices. NMSC noted that judges in New Mexico are paid 48th lowest in the country, despite the cost of living being the national average.

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: 2nd House: Reported from Committees
Status: 02/14/2020 ñ House Calendar
History: 01/23/2020—S Introduced and referred to Senate Rules.
 01/23/2020—S Also referred to Senate Public Affairs.
 02/04/2020—S Reported Do Pass as amended by Senate Rules.
 02/08/2020—S Reported Do Pass as amended by Senate Public Affairs.
 02/11/2020—S Opened for floor debate.
 02/11/2020—S Passed 37-0.
 02/12/2020—H Received in the House and referred to House Health & Human Services.
 02/14/2020—H Reported Do Pass by House Health & Human Services.
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: 2nd House: Referred to Committee
Status: 02/16/2020 ñ House 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.
 02/15/2020—S Reported Do Pass by Senate Judiciary.
 02/15/2020—S Opened for floor debate.
 02/15/2020—S Passed 35-5.
 02/16/2020—H Received in the House and referred to House Judiciary.
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: 1st House: Reported from Committees

Status: 02/08/2020 ñ Senate Calendar
History: 01/22/2020—S Introduced and referred to Senate Rules.
 01/22/2020—S Also referred to Senate Public Affairs.
 02/04/2020—S Reported Do Pass as amended by Senate Rules.
 02/08/2020—S Reported Do Pass as amended by Senate Public Affairs.
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: 1st House: Reported from Committees
Status: 02/15/2020 ñ Senate Calendar
History: 01/23/2020—S Introduced and referred to Senate Rules.
 01/23/2020—S Also referred to Senate Judiciary.
 02/07/2020—S Reported Do Pass by Senate Rules.
 02/15/2020—S Reported Do Pass by 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.

Bill: SM47
Sponsors: Sedillo Lopez (D16)
Title: CRIMINAL JUSTICE RACE & ETHNICITY DATA
Summary: Requests the New Mexico Sentencing Commission to convene a task force on collection of race and ethnicity data in the state's criminal justice systems and draft legislation to mandate collection of the data.
Subjects: County Affairs; Courts and Civil Matters; Municipalities/City Government; Criminal Code; State Affairs and State Agencies; Public Safety and Corrections; Interim Studies and Interim Committees; Civil Rights
Progress: 1st House: Referred to Committee
Status: 02/15/2020 ñ Senate Judiciary Committee
History: 02/04/2020—S Introduced and referred to Senate Rules.
 02/04/2020—S Also referred to Senate Judiciary.
 02/15/2020—S Committee referrals changed.
 02/15/2020—S Referral withdrawn from Senate Rules.
Comments: The committee voted unanimously to support this legislation, as there is a need to collect this data and the memorial outlines the best policy for how these standards should be crafted. NMSC noted that the need to collect race and ethnicity data came from discussions during interim committee meetings this past interim; NMSC also noted that juveniles could be considered under the mandate of the memorial, though CYFD is already ahead of the rest of the state in the collection of such data; NMSC added that any additional costs this task force would entail would be covered as part of the Commission's normal duties.

Bill: SM48
Sponsors: Ortiz y Pino (D12)
Title: RECONVENE J. PAUL TAYLOR EARLY CHILDHOOD TASK FORCE
Summary: Recognizes the dedicated members of the J. Paul Taylor Early Childhood Task Force and UNM for their work on behalf of the youngest New Mexicans and requests that UNM reconvene the task force in 2020 to continue investigating the effects of parental mental illness, substance use disorders and family violence on young children, and making recommendations to

address these issues. Requests the task force to report findings and recommendations to the Legislative Health and Human Services Committee.

Subjects: Higher Education; Family and Juveniles; Interim Studies and Interim Committees
Progress: 1st House: Reported from Committees
Status: 02/18/2020 ñ Senate Calendar
History: 02/04/2020—S Introduced and referred to Senate Rules.
 02/04/2020—S Also referred to Senate Public Affairs.
 02/15/2020—S Committee referrals changed.
 02/15/2020—S Referral withdrawn from Senate Rules.
 02/18/2020—S Reported Do Pass by Senate Public Affairs.
Comments: No action was taken on this legislation.

Bill: SM49
Sponsors: Pinto (D3)
Title: RECONVENE J. PAUL TAYLOR EARLY CHILDHOOD TASK FORCE
Summary: Recognizes the dedicated members of the J. Paul Taylor Early Childhood Task Force and UNM for their work on behalf of the youngest New Mexicans and requests that UNM reconvene the task force in 2020 to continue investigating the effects of parental mental illness, substance use disorders and family violence on young children, and making recommendations to address these issues. Requests the task force to report findings and recommendations to the Legislative Health and Human Services Committee.
Subjects: Higher Education; Family and Juveniles; Interim Studies and Interim Committees
Progress: 1st House: Passed
Status: 02/10/2020 ñ Signed by Officers of Senate
History: 02/05/2020—S Introduced and placed on President's Table.
 02/07/2020—S Removed from President's table.
 02/07/2020—S Placed on Senate Calendar.
 02/07/2020—S Opened for floor debate.
 02/07/2020—S Passed 43-0.
 02/10/2020—S Enrolled and engrossed.
 02/10/2020—S Signed by Officers of Senate.

Bill: SM50
Sponsors: Sedillo Lopez (D16)
Title: TASK FORCE ON FAMILY VIOLENCE PROTECTION ACT
Summary: Requests that the Crime Victims Reparation Commission convene an inclusive task force to review the Family Violence Protection Act and propose updates.
Subjects: Family and Juveniles; Criminal Code; Courts and Civil Matters; Public Safety and Corrections; Interim Studies and Interim Committees
Progress: 1st House: Passed
Status: 02/19/2020 ñ Passed in the Senate
History: 02/05/2020—S Introduced and referred to Senate Rules.
 02/05/2020—S Also referred to Senate Public Affairs.
 02/15/2020—S Committee referrals changed.
 02/15/2020—S Referral withdrawn from Senate Rules.
 02/18/2020—S Reported Do Pass as amended by Senate Public Affairs.
 02/19/2020—S Opened for floor debate.
 02/19/2020—S Passed 36-1.
Comments: No action was taken on this legislation.