



NEW MEXICO LEGISLATURE

# COURTS, CORRECTIONS AND JUSTICE COMMITTEE

2024 INTERIM FINAL REPORT

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## INTERIM SUMMARY



## **Courts, Corrections and Justice Committee 2024 Interim Summary**

The Courts, Corrections and Justice Committee (CCJ) was created by the New Mexico Legislative Council on March 25, 2024. The CCJ met for a total of 17 days and traveled around the state to the cities of Santa Fe, Albuquerque, Espanola and Las Cruces. The New Mexico Legislative Council approved four additional meeting dates on June 5, 6, 26 and 27, 2024 in preparation for the first special session of the fifty-sixth legislature. The meetings in June focused on topics such as assisted outpatient treatment, regulation of panhandling and competency. In July, the CCJ heard presentations from the judicial branch on legislative proposals and changes to how cases are decided, challenges and changes regarding juvenile crime and briefings on court cases.

The CCJ traveled to Albuquerque in August. At that meeting, committee members heard presentations relating to the Workers' Compensation Act, artificial intelligence and data privacy and the Extreme Risk Firearm Protection Order Act. In September, the CCJ traveled to Espanola, where committee members heard from local law enforcement and received presentations on the struggles of tenants and housing stability.

In October, the CCJ met in Las Cruces. Local law enforcement shared legislative priorities, as well as updates on recruitment and retention. In addition, committee members received a presentation regarding the competency diversion pilot program in the Third Judicial District and dedicated a day to hearing from experts on health care.

At the final meeting in November, the CCJ met in Santa Fe and received a presentation from local law enforcement in which public safety and community issues were discussed. The secretary of state gave an overview of the 2024 elections and discussed election administration changes and proposed changes to the Campaign Reporting Act for the upcoming legislative session. The CCJ did not endorse any legislation for the 2025 legislative session.





## WORK PLAN AND MEETING SCHEDULE



**2024 APPROVED  
WORK PLAN AND MEETING SCHEDULE  
for the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**Members**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu  
Sen. Gregory A. Baca  
Rep. Gail Chasey  
Sen. Antonio Maestas  
Rep. Alan T. Martinez

Sen. Greg Nibert  
Sen. Bill B. O'Neill  
Rep. Andrea Reeb  
Rep. William "Bill" R. Rehm  
Rep. Andrea Romero  
Rep. Angelica Rubio  
Sen. Antoinette Sedillo Lopez

**Advisory Members**

Rep. John Block  
Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena  
Rep. Ambrose Castellano  
Sen. Katy M. Duhigg  
Rep. William A. Hall II  
Rep. Jared A. Hembree  
Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson

Sen. Linda M. López  
Rep. Stefani Lord  
Rep. Tara L. Lujan  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle  
Sen. Mimi Stewart  
Rep. Reena Szczepanski  
Sen. Peter Wirth

**Work Plan**

The New Mexico Legislative Council created the Courts, Corrections and Justice Committee (CCJ) on March 25, 2024. During the 2024 interim and as time permits, the CCJ will examine the following topics and receive presentations that address or include:

- A. the intersection of the justice system with mental illness and addiction:
  - 1. existing legal authority: What is working? What is not working?;
  - 2. state and local programs;
  - 3. treatment and resources;
  - 4. assisted outpatient treatment;
  - 5. diversion, including specialty courts;
  - 6. competency; and
  - 7. civil commitment;
- B. regulation of panhandling;

- C. other items that will potentially be addressed at the upcoming special session, to the extent known;
- D. gun safety;
- E. artificial intelligence:
  - 1. expanding use and potential abuse; and
  - 2. potential regulatory frameworks;
- F. criminal justice issues:
  - 1. probation and parole;
  - 2. the Corrections Department;
  - 3. county and municipal jails; and
  - 4. data collection and gaps;
- G. DWI tests and motor vehicle crimes;
- H. the health care system: vertical integration and related issues;
- I. housing: legal barriers and landlord-tenant relations;
- J. workers' compensation;
- K. governmental ethics;
- L. election issues;
- M. New Mexico Supreme Court issues and initiatives, such as the rural justice initiative;
- N. legislation for committee consideration; and
- O. as necessary, examination of other issues relevant to courts, corrections and justice and criminal justice reform.

Please note that the aforementioned categories are for organizational purposes only, and specific presentation items may fall within more than one category.

Please note that items A through C will be scheduled prior to July 18, 2024 to the extent possible.

**Courts, Corrections and Justice Committee  
2024 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
May 6	Santa Fe
June 5-6	Santa Fe
June 26-27	Santa Fe
July 15-17	Santa Fe
August 12-14	Albuquerque
September 9-11	Espanola
October 9-11	Las Cruces
November 12-13	Santa Fe



# AGENDAS AND MINUTES





Revised: May 3, 2024

**TENTATIVE AGENDA  
for the  
FIRST MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**May 6, 2024  
State Capitol, Room 322  
Santa Fe**

**Monday, May 6**

- 9:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 9:35 a.m.       (1)   **Review and Adoption of the 2024 Work Plan and Meeting Schedule**  
—Members of the Courts, Corrections and Justice Committee
- 10:30 a.m.       (2)   **Introduction to Competency: Terms and Concepts**  
—Stacey Boone, Senior Statewide Behavioral Health Manager,  
Administrative Office of the Courts  
—Simone Viljoen, Ph.D., Clinical Co-Director, Second Judicial District  
Competency Clinic
- 11:45 a.m.       (3)   **Criminal Competency and Court Process**  
—Stacey Boone, Senior Statewide Behavioral Health Manager,  
Administrative Office of the Courts  
—The Honorable James M. Hudson, District Court Judge, Fifth Judicial  
District
- 1:00 p.m.       (4)   **Initial Discussion with the Governor's Office Regarding the Special  
Session**  
—Holly Agajanian, Chief General Counsel, Office of the Governor  
—Benjamin A. Baker, Senior Public Safety Advisor, Office of the Governor
- 1:30 p.m.           **Public Comment\***
- 1:50 p.m.           **Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Courts, Corrections and Justice Committee [web page](#).



**MINUTES  
of the  
FIRST MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**May 6, 2024  
State Capitol, Room 322  
Santa Fe**

The first meeting of the Courts, Corrections and Justice Committee was called to order by Representative Christine Chandler, chair, on May 6, 2024 at 9:35 a.m. in Room 322 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu  
Sen. Antonio Maestas  
Rep. Alan T. Martinez  
Sen. Greg Nibert  
Sen. Bill B. O'Neill  
Rep. Andrea Reeb  
Rep. Andrea Romero  
Sen. Antoinette Sedillo Lopez

**Absent**

Sen. Gregory A. Baca  
Rep. Gail Chasey  
Rep. William "Bill" R. Rehm  
Rep. Angelica Rubio

**Advisory Members**

Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena  
Sen. Katy M. Duhigg  
Sen. Linda M. López  
Rep. Tara L. Lujan  
Sen. Mimi Stewart  
Rep. Reena Szczepanski  
Sen. Peter Wirth

Rep. John Block  
Rep. Ambrose Castellano  
Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson  
Rep. Stefani Lord  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle

**Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)  
Sean Dolan, Staff Attorney, LCS  
Simon Suzuki, Staff Attorney, LCS  
Domenica Nieto, Assistant Librarian, LCS

**Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

## **Monday, May 6**

### **Review and Adoption of the 2024 Work Plan and Meeting Schedule**

Representative Chandler led the committee in an open discussion of topics of interest for committee consideration during the interim. The topics discussed during the conversation included the following:

- a request for research and background information on a lawsuit against the City of Albuquerque regarding panhandling legislation;
- balanced programs and the involvement of civil rights and disability advocates in discussions regarding competency and commitment procedures;
- the committee will be responsible for the measures on the table regarding the importance of topics discussed; and
- the committee will meet in Santa Fe for all meetings preceding the special session but may travel in August, September and October.

### **Criminal Competency and Court Process**

Stacey Boone, senior statewide behavioral health manager, Administrative Office of the Courts (AOC), and the Honorable James M. Hudson, district court judge, Fifth Judicial District, presented an overview of the current criminal competency and court process and answered committee members' questions about the process. The overview included a PowerPoint presentation that detailed the processes and included context and comments from the presenters. The presentation can be found here:

<https://www.nmlegis.gov/handouts/CCJ%20050624%20Item%203%20Criminal%20Competency%20and%20Court%20Process.pdf>.

A subsequent discussion among committee members included the following comments:

- a request for more information about the comprehensive treatment courts available and the role they can play when competency becomes an issue and questions about intercept 3 regarding the Sequential Intercept Model;
- whether more crimes should be included in the provision that requires civil commitment for defendants found to be incompetent to stand trial;

- questions about gender bias in competency procedures and determination and for state-specific data about gender bias and other demographic disparities;
- that the committee understand the essence of competency proceedings and their purpose, which has been a historical challenge. Judge Hudson responded that misdemeanor cases follow the same process but stop at the determination phase and are dismissed without prejudice. A member asked whether a stay would be more appropriate;
- questions about the time line for competency proceedings, specifically about the time line for a hearing after a report is submitted. Judge Hudson stated that he typically sets the hearing when the order for the evaluation is issued and that things can be pushed out if the evaluation is contested;
- questions about the jail system and mental health, concerns about people becoming a victim in the system and how the process puts great pressure on families of the defendant. A member related a personal anecdote about finding a missing defendant in a local hospital, drew attention to the issue of dual diagnoses and requested information about the relationship between past release, recidivism and mental health to victimhood; and
- capacity issues in the process and questions about the contract process and number of evaluators and situations when a person is detained for longer than a potential sentence and that the committee look more closely at diversion programs.

### **Introduction to Competency: Terms and Concepts**

Ms. Boone and Simone Viljoen, Ph.D., clinical co-director, Second Judicial District Competency Clinic, presented an overview of what competency is, how it is determined and the process of evaluation. The presentation can be found here:

[https://www.nmlegis.gov/handouts/CCJ%20050624%20Item%20%20Competency%20101\\_CCJ%20Presentation.pdf](https://www.nmlegis.gov/handouts/CCJ%20050624%20Item%20%20Competency%20101_CCJ%20Presentation.pdf).

A subsequent discussion among committee members included the following comments:

- a member pointed out recordkeeping issues and asked if a centralized model is necessary and about the process for a defendant with multiple cases. Dr. Viljoen advised that one evaluation is done even if cases are not consolidated and stated that there is a bottleneck for evaluations but not for beds;
- what plans are made to review data regarding demographic disparities. Ms. Boone and Dr. Viljoen responded that a program assessment is forthcoming; and

- clarification that evaluations are available remotely, where evaluations are held, a question about adjunct services available to people waiting for determination and a request for data from the AOC about where services are available.

### **Initial Discussion with the Governor's Office Regarding the Special Session**

Holly Agajanian, chief general counsel, Office of the Governor, and Benjamin A. Baker, senior public safety advisor, Office of the Governor, provided an overview of potential bills that the governor is considering for an upcoming special session. Ms. Agajanian summarized the changes that the governor would like to see to the assisted outpatient treatment legislation. The governor would like to see a retooling of the competency and civil and criminal commitment proceedings. The systems used in other states, particularly California and Alaska, have been studied. The governor would also like to see changes to the felon in possession of a firearm statute, with a possible increase in the sentence.

A subsequent discussion among committee members included the following comments:

- the competency issue needs to be addressed, but why couldn't the issues be pushed back to the sixty-day legislative session. A member indicated that the legislature should not rush on this matter and should have adequate time to review it;
- questions about the governor's points on tribal notification, that the competency issue is much broader and that there should be a focus on services and clarity from the governor. Ms. Agajanian responded that the goal would be that each judicial district provides wraparound services and that the governor intends for this process to include a working group;
- a member questioned the statistics regarding the felons-in-possession issue highlighted by the governor and stated that the penalty has been raised twice in last decade. A bill last session was not heard in the Senate Judiciary Committee because it was not put on the agenda. The member indicated that "the needle isn't moving" by increasing penalties and may be going in the wrong direction;
- a member asked how to leverage resources, had concerns about [assisted outpatient therapy] and questioned who can force parties into the court system based on claims of incompetence. The member noted the closure of a crisis triage center related to litigation concerning the wrongful detention of an incompetent person;
- an expectation of meaningful legislation from the governor's office and that the safety concerns of constituents and border initiatives be considered; and
- a request for more data on the issues, including data on automobile thefts in Albuquerque, so that the legislature may understand the scope of the problem.

**Public Comment**

A list of individuals making public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 2:33 p.m.





Revised: June 3, 2024

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 5-6, 2024  
State Capitol, Room 311  
Santa Fe**

**Wednesday, June 5**

- 10:00 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 10:15 a.m.       (1)    **[Assisted Outpatient Treatment \(AOT\): Summary of the Law](#)**  
—Megan Dorsey, Consultant, Courts, Corrections and Justice Committee  
    (CCJ)  
—Brandon Cummings, Consultant, CCJ
- 11:30 a.m.       (2)    **[AOT: Competency to Commitment](#)**  
—Betsy Johnson, AOT Policy Advisor, Treatment Advocacy Center  
—Amy Lukes, Director of AOT Implementation, Treatment Advocacy  
    Center
- 12:45 p.m.           **Lunch**
- 1:30 p.m.       (3)    **[Implementation of AOT in Dona Ana County](#)**  
—Jamie Michael, Director, Health and Human Services, Dona Ana County
- 2:45 p.m.       (4)    **[The Supreme Court Commission on Mental Health and Competency](#)**  
—The Honorable Briana H. Zamora, Justice, New Mexico Supreme Court
- 3:30 p.m.           **Committee Discussion**
- 4:00 p.m.           **Public Comment\***
- 4:30 p.m.           **Recess**

**Thursday, June 6**

- 9:00 a.m.           **Reconvene**

- 9:05 a.m. (5) **Civil Commitment: Summary of the Law**  
—Megan Dorsey, Consultant, CCJ  
—Brandon Cummings, Consultant, CCJ
- 10:05 a.m. (6) **Pre-Prosecution Diversion: Summary of the Law**  
—Megan Dorsey, Consultant, CCJ  
—Brandon Cummings, Consultant, CCJ
- 10:50 a.m. (7) **Perspectives from the Public Defender Department and the Administrative Office of the District Attorneys on Pretrial Diversion: What Works and What Does Not**  
—Bennett J. Baur, Chief Public Defender, Public Defender Department  
—Marcus J. Montoya, President, New Mexico District Attorney Association; District Attorney, Eighth Judicial District
- 12:00 noon **Lunch**
- 1:00 p.m. (8) **Competency Through a Public Safety Lens**  
—Jeremy Story, Chief, Las Cruces Police Department
- 2:15 p.m. (9) **Perspective on Civil Commitment**  
—Lindsey Fooks, Special Commissioner, Second Judicial District
- 3:15 p.m. (10) **Office of the Governor: Possible Special Session Legislation**  
—Holly Agajanian, Chief General Counsel, Office of the Governor  
—Benjamin A. Baker, Senior Public Safety Advisor, Office of the Governor
- 4:30 p.m. **Committee Discussion**
- 5:15 p.m. **Public Comment\***
- 5:30 p.m. **Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the CCJ [web page](#).

**MINUTES  
of the  
SECOND MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 5, 2024  
State Capitol, Room 311  
Santa Fe**

**June 6, 2024  
State Capitol, Room 307  
Santa Fe**

The second meeting of the Courts, Corrections and Justice Committee (CCJ) was called to order by Representative Christine Chandler, chair, on June 5, 2024 at 10:14 a.m. in Room 311 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu (6/6)  
Rep. Gail Chasey  
Rep. Tara L. Lujan\* (6/5)  
Rep. Alan T. Martinez  
Rep. William "Bill" R. Rehm (6/6)  
Rep. Andrea Romero  
Sen. Antoinette Sedillo Lopez (6/6)  
Sen. Mimi Stewart\*  
Rep. Reena Szczepanski\*  
Sen. Peter Wirth\* (6/5)

**Absent**

Sen. Gregory A. Baca  
Sen. Antonio Maestas  
Sen. Greg Nibert  
Sen. Bill B. O'Neill  
Rep. Andrea Reeb  
Rep. Angelica Rubio

**Advisory Members**

Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena (6/6)  
Sen. Katy M. Duhigg  
Rep. Jared A. Hembree  
Rep. Tara L. Lujan

Rep. John Block  
Rep. Ambrose Castellano  
Rep. William A. Hall  
Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson  
Sen. Linda M. López  
Rep. Stefani Lord  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle

**Guest Legislator**

Rep. Debra M. Sariñana

(Attendance dates are noted for members not present for the entire meeting.)

\*Appointed by the speaker of the house of representatives or the president pro tempore of the senate as a voting member for this meeting only.

### **Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)  
Sean Dolan, Staff Attorney, LCS  
Simon Suzuki, Staff Attorney, LCS  
Domenica Nieto, Research Assistant, LCS  
Michel Rivera, Law Intern, LCS

### **Guests**

The guest list is in the meeting file.

### **Handouts**

Handouts and other written testimony are in the meeting file and are posted on the legislature's website.

### **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

## **Wednesday, June 5 — State Capitol, Room 311**

### **Assisted Outpatient Treatment (AOT): Summary of the Law (10:19 a.m.)**

Megan Dorsey, consultant, CCJ, and Brandon Cummings, consultant, CCJ, presented an overview of the current AOT programs. They reviewed each relevant statute and answered questions regarding the overview. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=1>.

### **AOT: Competency to Commitment (11:26 a.m.)**

Betsy Johnson, AOT policy advisor, Treatment Advocacy Center, and Amy Lukes, director of AOT implementation, Treatment Advocacy Center, provided a national view of AOT, including ideas from jurisdictions and data regarding New Mexico's standing nationally. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=2>.

**Approval of Minutes (12:15 p.m.)**

The committee unanimously approved the minutes of the May 6, 2024 meeting.

**Implementation of AOT in Dona Ana County (1:34 p.m.)**

Jamie Michael, director, Health and Human Services, Dona Ana County, provided an overview of the AOT program in Dona Ana County, including an analysis on nationwide programs and a summary of New Mexico law, resources and the court process. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=3>.

**The Supreme Court Commission on Mental Health and Competency (2:32 p.m.)**

The Honorable Briana H. Zamora, justice, New Mexico Supreme Court, provided a summary of the work the commission has done so far, the mission of the commission, education, training and what work the commission still has to do. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=4>.

**Public Comment (4:05 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:13 p.m.

**Thursday, June 6 — State Capitol, Room 307****Reconvene**

Representative Chandler reconvened the meeting at 9:12 a.m.

**Civil Commitment: Summary of the Law (9:14 a.m.)**

Ms. Dorsey and Mr. Cummings presented a review of each statute relevant to civil commitment and an overview of relevant case law. They answered questions regarding the statutes and controlling law. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=5>.

**Pre-Prosecution Diversion: Summary of the Law (10:40 a.m.)**

Ms. Dorsey and Mr. Cummings presented a review of each relevant statute to pre-prosecution diversion and an overview of relevant case law and answered questions regarding the statutes and controlling law. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=6>.

**Perspectives from the Public Defender Department and the Administrative Office of the District Attorneys on Pretrial Diversion: What Works and What Does Not (11:23 a.m.)**

Bennett J. Baur, chief public defender, Public Defender Department, and Marcus J. Montoya, president, New Mexico District Attorney Association, and district attorney, Eighth Judicial District, gave a brief overview of their respective positions on pretrial diversion, provided a flow chart of the process and answered questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=7>.

**Competency Through a Public Safety Lens (1:00 p.m.)**

Jeremy Story, chief, Las Cruces Police Department, presented an overview of the challenges facing the Las Cruces Police Department when interacting with members of the public dealing with mental health issues, provided specific examples of issues with defendants, spoke of issues with recidivism and answered questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=8>.

**Perspective on Civil Commitment (2:16 p.m.)**

Lindsey Fooks, special commissioner, Second Judicial District, provided information about how civil commitment works in the Second Judicial District, including who is involved, common diagnoses and what the courts can and cannot do, and answered questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=9>.

**Office of the Governor: Possible Special Session Legislation (3:27 p.m.)**

Holly Agajanian, chief general counsel, Office of the Governor, reviewed the current AOT statute and provided an overview of ideas from the Office of the Governor regarding possible changes to the statute. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/5/2024&ItemNumber=10>.

**Public Comment (4:57 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 5:02 p.m.





Revised: June 24, 2024

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 26-27, 2024  
State Capitol, Room 307  
Santa Fe**

**Wednesday, June 26**

- 10:00 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 10:15 a.m.    (1)    **Mental Health Courts in New Mexico**  
—Deanna Corriz, Program Manager, Administrative Office of the Courts  
  (AOC)  
—Martin Burkhardt, Program Manager, AOC
- 11:15 a.m.    (2)    **Second Judicial District Assisted Outpatient Treatment Program**  
—The Honorable Beatrice J. Brickhouse, District Court Judge, Second  
  Judicial District  
—Laura Braun, Program Manager, Assisted Outpatient Treatment Program,  
  Second Judicial District  
—Gilbert Ramírez, Director, Department of Health, Housing and  
  Homelessness, City of Albuquerque
- 12:30 p.m.           **Lunch**
- 1:45 p.m.    (3)    **Behavioral Health Criminal Justice Services and Funding**  
—Eric Chenier, Principal Analyst, Legislative Finance Committee (LFC)  
—Rachel Garcia, Principal Analyst, LFC
- 3:15 p.m.    (4)    **Office of the Governor**  
—Holly Agajanian, Chief General Counsel, Office of the Governor  
—Benjamin A. Baker, Senior Public Safety Advisor, Office of the Governor
- 3:45 p.m.           **Committee Discussion**
- 4:00 p.m.           **Public Comment\***
- 4:15 p.m.           **Recess**

**Thursday, June 27**

9:00 a.m.           **Reconvene**

9:05 a.m.       (5)   **Behavioral Health Continuum of Care**  
—Kari Armijo, Secretary, Health Care Authority

10:05 a.m.       (6)   **Clinical Services and Competency Restoration at the New Mexico Behavioral Health Institute at Las Vegas (NMBHI)**  
—Tim Shields, Hospital Administrator, NMBHI

11:05 a.m.       (7)   **Mental Health Treatment: A Civil Rights Perspective**  
—Ellen Pinnes, J.D., The Disability Coalition  
—Denali Wilson, Staff Attorney, American Civil Liberties Union of New Mexico

12:35 p.m.       **Lunch**

1:50 p.m.       (8)   **Certified Community Behavioral Health Clinics — Comprehensive Care for Safer and Healthier Communities**  
—Dorn Schuffman, Consultant, National Council for Mental Wellbeing;  
Former Director, Missouri Department of Mental Health

2:50 p.m.       (9)   **First Amendment Overview: Time, Place, and Manner Restrictions**  
—Simon Suzuki, Staff Attorney, Legislative Council Service

3:50 p.m.       **Committee Discussion**

4:50 p.m.       **Public Comment\***

5:05 p.m.       **Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Courts, Corrections and Justice Committee [web page](#).

**MINUTES**  
**of the**  
**THIRD MEETING**  
**of the**  
**COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 26-27, 2024**  
**State Capitol, Room 307**  
**Santa Fe**

The third meeting of the Courts, Corrections and Justice Committee was called to order by Senator Joseph Cervantes, vice chair, on June 26, 2024 at 10:15 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Chandler, Chair (6/27)  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu  
Rep. Gail Chasey (6/27)  
Sen. Antonio Maestas  
Rep. Alan T. Martinez  
Sen. Bill B. O'Neill  
Rep. Andrea Reeb  
Rep. William "Bill" R. Rehm (6/26)  
Rep. Andrea Romero (6/27)  
Sen. Antoinette Sedillo Lopez (6/27)

**Absent**

Sen. Gregory A. Baca  
Sen. Greg Nibert  
Rep. Angelica Rubio

**Advisory Members**

Rep. John Block  
Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena  
Rep. Ambrose Castellano  
Sen. Katy M. Duhigg  
Rep. William A. Hall  
Rep. Jared A. Hembree  
Sen. Linda M. López (6/27)  
Rep. Stefani Lord  
Rep. Tara L. Lujan  
Sen. Mimi Stewart  
Sen. Peter Wirth (6/26)

Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle  
Rep. Reena Szczepanski

**Guest Legislators**

Rep. Dayan Hochman-Vigil  
Rep. Nathan P. Small (6/26)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)  
Sean Dolan, Staff Attorney, LCS  
Simon Suzuki, Staff Attorney, LCS  
Domenica Nieto, Research Assistant, LCS  
Michel Rivera, Law Intern, LCS

**Guests**

The guest list in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Wednesday, June 26****Introductions (10:16 a.m.)**

Senator Cervantes asked committee members and staff to introduce themselves.

**Mental Health Courts in New Mexico (10:20 a.m.)**

Deanna Corriz, program manager, Administrative Office of the Courts (AOC), and Martin Burkhardt, program manager, AOC, discussed adult mental and behavioral health treatment courts and answered questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=1>.

**Second Judicial District Assisted Outpatient Treatment (AOT) Program (11:26 a.m.)**

The Honorable Beatrice J. Brickhouse, district court judge, Second Judicial District; Laura Braun, program manager, AOT Program, Second Judicial District; and Gilbert Ramírez, director, Department of Health, Housing and Homelessness, City of Albuquerque, provided a presentation on the AOT program being developed in the Second Judicial District, including the Civil Division Treatment Program, with data on the participants, and answered questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=2>.

**Behavioral Health Criminal Justice Services and Funding (1:57 p.m.)**

Eric Chenier, principal analyst, Legislative Finance Committee (LFC), and Rachel Garcia, principal analyst, LFC, provided information on Medicaid enrollment in New Mexico and the Interagency Behavioral Health Purchasing Collaborative. The panel discussed behavioral health needs, spending growth and treatment courts, and they answered questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=3>.

**Office of the Governor (3:03 p.m.)**

Holly Agajanian, chief general counsel, Office of the Governor, and Benjamin A. Baker, senior public safety advisor, Office of the Governor, provided an overview of the most current bills that the governor is proposing for the proposed upcoming special session. Ms. Agajanian provided an analysis of AOC data and an overview of cases dismissed due to incompetency. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=4>.

**Public Comment (4:42 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:48 p.m.

**Thursday, June 27****Reconvene**

Senator Cervantes reconvened the meeting at 9:17 a.m.

**Behavioral Health Continuum of Care (9:18 a.m.)**

Kari Armijo, secretary, Health Care Authority (HCA), introduced Nick Boukas, director, Behavioral Health Services Division, HCA. Ms. Armijo provided an overview of current access to behavioral health services and stressed the need to increase access to these services across the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=5>.

**Clinical Services and Competency Restoration at the New Mexico Behavioral Health Institute at Las Vegas (NMBHI) (10:26 a.m.)**

Tim Shields, hospital administrator, NMBHI, provided an overview of the services that the NMBHI provides. Mr. Shields discussed the Adult Psychiatric Division, the Center for

Adolescent Relationship Exploration, Community Based Services, Long Term Care/Meadows and the Forensic Division, including specific data on the programs. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=6>.

**Approval of Minutes (11:28 a.m.)**

The committee unanimously approved the minutes of the June 5-6, 2024 meeting.

**Mental Health Treatment: A Civil Rights Perspective (11:30 a.m.)**

Ellen Pinnes, J.D., The Disability Coalition, and Denali Wilson, staff attorney, American Civil Liberties Union of New Mexico, provided information regarding community care initiatives, along with AOT legislation proposals. Ms. Pinnes provided additional insight into the AOT process under current state law, along with the positives and negatives associated with AOT. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=7>.

**Certified Community Behavioral Health Clinics (CCBHC) — Comprehensive Care for Safer and Healthier Communities (2:09 p.m.)**

Dorn Schuffman, consultant, National Council for Mental Wellbeing, and former director, Missouri Department of Mental Health, discussed his experience with the national CCBHC model, including certification criteria, services and costs, etc. Additionally, Mr. Schuffman presented information on this model from a state-driven perspective and how this model worked in Missouri. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=8>.

**First Amendment Overview: Time, Place, and Manner Restrictions (3:13 p.m.)**

Mr. Suzuki provided an overview and analysis of legislation that may limit free speech in public and on medians. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=6/26/2024&ItemNumber=9>.

**Public Comment (4:17 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 4:30 p.m.

Revised: July 15, 2024

**TENTATIVE AGENDA  
for the  
FOURTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**July 16-17, 2024  
State Capitol, Room 307  
Santa Fe**

**Tuesday, July 16**

- 9:15 a.m.                   **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 9:30 a.m.                   **EXECUTIVE SESSION (Closed Meeting): *Atencio, et al. v. State of New Mexico***  
—Thomas Hnasko, Outside Counsel, New Mexico Legislature
- 10:45 a.m.       (1)       [\*\*City of Grants Pass v. Johnson and United States v. Rahimi\*\*](#)  
—Megan Dorsey, Consultant, Courts, Corrections and Justice Committee (CCJ)  
—Brandon Cummings, Consultant, CCJ
- 12:00 noon               **Lunch**
- 12:45 p.m.               **Committee Discussion**
- 1:15 p.m.               **Public Comment\***
- 2:00 p.m.               **Recess**

**Wednesday, July 17**

- 9:00 a.m.               **Reconvene**
- 9:05 a.m.       (2)       [\*\*Juvenile Crime: The Challenges We Face and the Changes We Need\*\*](#)  
—Sam Bregman, District Attorney, Second Judicial District
- 10:15 a.m.       (3)       [\*\*Judicial Branch Update\*\*](#)  
—The Honorable David K. Thomson, Justice, New Mexico Supreme Court

11:30 a.m.

**EXECUTIVE SESSION (Closed Meeting): Update on *Texas v. New Mexico***

—Jeffrey Wechsler, Special Counsel

—Tanya Trujillo, Acting State Engineer, Office of the State Engineer

—Nathaniel Chakeres, General Counsel, Office of the State Engineer

—James Grayson, Chief Deputy Attorney General, State Department of Justice

12:45 p.m.

**Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the CCJ [web page](#).



**MINUTES**  
**of the**  
**FOURTH MEETING**  
**of the**  
**COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**July 16-17, 2024**  
**State Capitol, Room 307**  
**Santa Fe**

The fourth meeting of the Courts, Corrections and Justice Committee (CCJ) was called to order by Representative Christine Chandler, chair, on July 16, 2024 at 9:16 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu  
Rep. Gail Chasey  
Sen. Antonio Maestas  
Rep. Alan T. Martinez  
Sen. Greg Nibert  
Sen. Bill B. O'Neill  
Rep. Andrea Reeb  
Rep. Andrea Romero  
Sen. Antoinette Sedillo Lopez (7/16)

**Absent**

Sen. Gregory A. Baca  
Rep. William "Bill" R. Rehm  
Rep. Angelica Rubio

**Advisory Members**

Rep. John Block  
Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena  
Rep. Ambrose Castellano  
Sen. Katy M. Duhigg (7/17)  
Rep. William A. Hall  
Sen. Daniel A. Ivey-Soto (7/16)  
Rep. D. Wonda Johnson  
Sen. Linda M. López  
Rep. Stefani Lord (7/16)  
Rep. Tara L. Lujan (7/17)  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle (7/16)  
Sen. Mimi Stewart  
Sen. Peter Wirth

Rep. Jared A. Hembree  
Rep. Reena Szczepanski

## **Guest Legislator**

Rep. Debra M. Sariñana (7/16)

(Attendance dates are noted for members not present for the entire meeting.)

## **Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)

Sean Dolan, Staff Attorney, LCS

Simon Suzuki, Staff Attorney, LCS

Domenica Nieto, Research Assistant, LCS

Michel Rivera, Law Intern, LCS

Andrea Martinez, Intern, LCS

## **Guests**

The guest list in the meeting file.

## **Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

## **References to Webcast**

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## **Tuesday, July 16**

### **Welcome and Introductions (9:19 a.m.)**

Representative Chandler asked committee members to introduce themselves.

### **Executive Session (Closed Meeting): *Atencio, et al. v. State of New Mexico* (9:25 a.m.)**

On a motion made, seconded and approved, the committee entered an executive session to discuss litigation in *Atencio, et al. v. State of New Mexico*.

Upon a motion made, seconded and approved, the committee reconvened in open session at 10:49 a.m.

### ***City of Grants Pass v. Johnson and United States v. Rahimi* (10:50 a.m.)**

Megan Dorsey, consultant, CCJ, provided information on the *City of Grants Pass v. Johnson* lawsuit. Brandon Cummings, consultant, CCJ, provided information on the *United States v. Rahimi* lawsuit.

**Approval of Minutes (12:16 p.m.)**

On a motion made, seconded and approved, the committee adopted the minutes of the June 26-27, 2024 meeting.

**Public Comment (1:23 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 2:13 p.m.

**Wednesday, July 17****Reconvene**

The meeting reconvened at 9:06 a.m.

**Juvenile Crime: The Challenges We Face and the Changes We Need (9:07 a.m.)**

Sam Bregman, district attorney, Second Judicial District, and Troy Gray, deputy district attorney, Second Judicial District, discussed the current issues they are facing with juvenile crime across the state. Mr. Bregman and Mr. Gray provided specific changes that they believe should be made to New Mexico statutes. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=7/15/2024&ItemNumber=2>.

**Judicial Branch Update (10:32 a.m.)**

The Honorable David K. Thomson, chief justice, New Mexico Supreme Court, and Arthur W. Pepin, director, Administrative Office of the Courts (AOC), discussed programs the Judicial Branch is actively working on with the AOC, changes made within the Judicial Branch, ways the Supreme Court is engaging with students at Central New Mexico Community College and security priorities.

**Executive Session (Closed Meeting): Update on *Texas v. New Mexico* (11:30 a.m.)**

On a motion made, seconded and approved, the committee entered an executive session to discuss litigation in *Texas v. New Mexico*.

Upon a motion made, seconded and approved, the committee reconvened in open session at 12:34 p.m.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 12:39 p.m.



Revised: August 12, 2024

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**August 12-14, 2024  
Central New Mexico Community College  
WORKforce Training Center  
5600 Eagle Rock Avenue NE  
Albuquerque**

**Monday, August 12**

- 9:00 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 9:15 a.m.           (1) **Welcoming Remarks**  
—Tracy Hartzler, President, Central New Mexico Community College
- 9:25 a.m.           (2) **Status of Major Criminal-Justice-Related Appropriations**  
—Scott Sanchez, Senior Fiscal Analyst, Legislative Finance Committee  
    (LFC)  
—Jon Courtney, Deputy Director, Budget, LFC
- 10:25 a.m.          (3) **Previous LFC Staff Recommendations on Behavioral Health and  
Criminal Justice**  
—Eric Chenier, Principal Analyst, LFC  
—Jon Courtney, Deputy Director, Budget, LFC
- 11:25 a.m.          (4) **Bernalillo County Criminal Justice System Update**  
—Ryan Tolman, Program Evaluator, LFC  
—Marco Lueras, Program Evaluator, LFC
- 12:40 p.m.           **Lunch**
- 1:25 p.m.           (5) **Overview of the Workers' Compensation Act**  
—Robert E. Doucette, Jr., Secretary, General Services Department
- 2:10 p.m.           (6) **House Memorial 83 (2023) Task Force Report**  
—Representative Pamela Herndon  
—Michael Holt, General Counsel, Workers' Compensation Administration

2:40 p.m. (7) [Worker and Insurance Representative Perspectives](#)  
—Michael J. Doyle, Attorney at Law  
—Jeremiah Ritchie, Vice President and General Counsel, New Mexico Mutual  
—Peter D. White, Attorney at Law

3:55 p.m. **Committee Discussion**

4:10 p.m. **Public Comment\***

4:25 p.m. **Recess**

### **Tuesday, August 13**

9:00 a.m. **Reconvene**

9:05 a.m. (8) [Update on the Supreme Court Commission on Mental Health and Competency: Work and Project Delivery](#)  
—The Honorable Briana H. Zamora, Justice, New Mexico Supreme Court  
—Alison Pauk, Senior Attorney, Administrative Office of the Courts (AOC)  
—Karl Swanson, Deputy District Attorney, Second Judicial District  
—Jennifer Barela, Second Judicial District, Public Defender Department

10:15 a.m. (9) [Addressing Artificial Intelligence and Data Privacy Through State Legislation](#)  
—Senator James Maroney, Connecticut General Assembly  
—Senator Sara Love, Maryland General Assembly  
—Representative Steve Elkins, Minnesota Legislature

11:30 a.m. (10) [Assisted Outpatient Treatment Next Steps: Build Out, Stakeholders and Review](#)  
—The Honorable David K. Thomson, Chief Justice, New Mexico Supreme Court  
—The Honorable Jason Lidyard, Judge, First Judicial District Court  
—Karl Reifsteck, Deputy Director, AOC  
—Kathleen Vigil, Court Executive Officer, First Judicial District Court

12:00 noon **Lunch**

1:00 p.m. (11) [Transparency in the Use of Artificial Intelligence](#)  
—Christopher Moore, Ph.D., Professor, Santa Fe Institute; Member, Interdisciplinary Working Group on Algorithmic Justice  
—Alisa Lauer, Esq., Chief of Staff, Majority Leadership Office, House of Representatives

1:45 p.m. (12) [Children's Code Reform Task Force: Recommendations and Proposed Legislation](#)  
—Cristen Conley, Director, Corinne Wolfe Center for Child and Family Justice; Chair, Children's Code Reform Task Force  
—The Honorable John J. Romero (Retired), Member, Children's Code Reform Task Force  
—Kathleen Sabo, J.D., Task Force Coordinator, Children's Code Reform Task Force

2:45 p.m. (13) [Briefing on \*Ortega v. Grisham\*: Opinion and Order on Motion for Temporary Restraining Order and Preliminary Injunction](#)  
—Simon D. Suzuki, Staff Attorney, Legislative Council Service (LCS)  
—Cristina Vasquez, Staff Attorney, LCS

3:30 p.m. **Committee Discussion**

3:45 p.m. **Public Comment\***

4:00 p.m. **Recess**

### **Wednesday, August 14**

9:00 a.m. **Reconvene**

9:05 a.m. (14) [Albuquerque Police Department and Extreme Risk Firearm Protection Order \(ERFPO\): Process and Perspective](#)  
—Matt Tinney, Sergeant, Crisis Intervention Unit, City of Albuquerque Police Department  
—Coty Maxwell, Detective, Crisis Intervention Unit, City of Albuquerque Police Department  
—Jeff Jones, Detective, Crisis Intervention Unit, City of Albuquerque Police Department

10:05 a.m. (15) [Briefing on Extreme Risk Task Force Report](#)  
—Janice Madrid, Lieutenant, New Mexico State Police Division, Department of Public Safety

11:00 a.m. (16) [House Bill 27 \(2024\) — ERFPO](#)  
—Representative Joy Garratt  
—Sheila Lewis, J.D., Extreme Risk Protection Order Trainer and Consultant

12:00 noon **Committee Discussion**

12:15 p.m.

**Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Courts, Corrections and Justice Committee [web page](#).



**MINUTES  
of the  
FIFTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**August 12-14, 2024  
Central New Mexico Community College  
WORKforce Training Center  
5600 Eagle Rock Avenue NE  
Albuquerque**

The fifth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Christine Chandler, chair, on August 12, 2024 at 9:12 a.m. in Room 103 of the Central New Mexico Community College (CNM) WORKforce Training Center in Albuquerque.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu  
Rep. Gail Chasey  
Sen. Antonio Maestas  
Rep. Alan T. Martinez  
Sen. Greg Nibert  
Rep. Andrea Reeb (8/12, 8/13)  
Rep. William "Bill" R. Rehm  
Rep. Andrea Romero (8/12)  
Sen. Antoinette Sedillo Lopez (8/13, 8/14)

**Absent**

Sen. Gregory A. Baca  
Sen. Bill B. O'Neill  
Rep. Angelica Rubio

**Advisory Members**

Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena (8/12, 8/13)  
Sen. Katy M. Duhigg (8/13, 8/14)  
Rep. William A. Hall II  
Sen. Daniel A. Ivey-Soto (8/13)  
Sen. Linda M. López  
Rep. Stefani Lord  
Rep. Tara L. Lujan (8/12, 8/13)  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle (8/14)  
Sen. Mimi Stewart (8/12, 8/13)  
Sen. Peter Wirth (8/12)

Rep. John Block  
Rep. Ambrose Castellano  
Rep. Jared A. Hembree  
Rep. D. Wonda Johnson  
Rep. Reena Szczepanski

**Guest Legislators**

Rep. Joy Garratt (8/14)  
Rep. Javier Martínez (8/13)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)  
Sean Dolan, Staff Attorney, LCS  
Domenica Nieto, Research Assistant, LCS

**Guests**

The guest list in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Monday, August 12**

**Welcome and Introductions (9:12 a.m.)**

Representative Chandler welcomed everyone and asked committee members to introduce themselves.

**Welcoming Remarks (9:14 a.m.)**

Tracy Hartzler, president, CNM, welcomed the committee and attendees and provided information on CNM.

**Status of Major Criminal-Justice-Related Appropriations (9:25 a.m.)**

Scott Sanchez, senior fiscal analyst, Legislative Finance Committee (LFC), and Jon Courtney, deputy director, Budget, LFC, provided insight on public safety investments. Their presentation included information on recurring and nonrecurring criminal-justice-related appropriations from fiscal years 2021 through 2025. They discussed vacancy rates at specific public safety agencies and funding for public safety projects. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=2>.

**Previous LFC Staff Recommendations on Behavioral Health and Criminal Justice (10:29 a.m.)**

Eric Chenier, principal analyst, LFC, and Mr. Courtney discussed rate increases to improve behavioral health services. Mr. Chenier mentioned that provider networks within

behavioral health systems are improving and discussed the quality of services and availability of evidence-based services. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=3>.

#### **Bernalillo County Criminal Justice System Update (11:38 a.m.)**

Ryan Tolman, program evaluator, LFC, and Marco Lueras, program evaluator, LFC, provided an update on crime in Albuquerque through an LFC report. They discussed root causes of crime and crime rates, as New Mexico crime rates remain higher than national crime rates, and said that Albuquerque has the highest crime rates in New Mexico. Additionally, they discussed increasing the certainty of offenders being caught and ensuring inmates are able to reenter society. The report included data on crime involving juveniles with firearms. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=4>.

#### **Overview of the Workers' Compensation Act (1:21 p.m.)**

Robert E. Doucette, Jr., secretary, General Services Department (GSD), and Judge Anthony Couture, GSD, discussed workers' compensation. Secretary Doucette provided an overview of the GSD and his role as secretary. He mentioned that GSD offices are located throughout the state to ensure access for all injured workers. They discussed return-to-work programs and safety programs to ensure that workplaces are safe for workers and said that most claims in New Mexico are not subject to the Workers' Compensation Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=5>.

#### **House Memorial 83 (2023) Task Force Report (2:03 p.m.)**

Representative Pameyla Herndon and Michael Holt, general counsel, Workers' Compensation Administration, presented a final report on the findings of the task force convened pursuant to House Memorial 83 (2023). Representative Herndon provided insight on the work that the one-year-long task force completed. She said the task force's recommendations include increasing the attorney fee cap from \$22,500 to \$30,000 and that the legislature review the cap every two years. Other task force recommendations were discussed throughout the presentation.

#### **Worker and Insurance Representative Perspectives (2:30 p.m.)**

Michael J. Doyle, attorney at law; Jeremiah Ritchie, vice president and general counsel, New Mexico Mutual; Dan Giralmo, vice president of claims, New Mexico Mutual; Peter D. White, attorney at law; and James Gonzales, workers' compensation client, owner and operator, Floors and More, Inc., discussed workers' compensation. Mr. Gonzales described an accident he experienced while working at his warehouse and his experience interacting with insurance companies. Mr. Doyle discussed the importance of the Workers' Compensation Administration

as it pertains to insurance companies and changes that can be made to the current statute. Mr. Ritchie offered an insurance company's perspective; he referred to the 1990 special legislative session, in which New Mexico Mutual was created. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=7>.

**Public Comment (4:20 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:23 p.m.

**Tuesday, August 13**

**Reconvene**

Representative Chandler reconvened the meeting at 9:05 a.m.

**Update on the Supreme Court Commission on Mental Health and Competency: Work and Project Delivery (9:05 a.m.)**

The Honorable Briana H. Zamora, justice, New Mexico Supreme Court; Alison Pauk, senior attorney, Administrative Office of the Courts (AOC); Karl Swanson, deputy district attorney, Second Judicial District; and Jennifer Barela, Second Judicial District, Public Defender Department, provided an update on the Supreme Court Commission on Mental Health and Competency. Justice Zamora said that the commission members discussed a draft of statutes that focused on criminal competency and court processes, providing trial court judges with alternatives to incarceration, pretrial services and hospitalization. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=8>.

**Addressing Artificial Intelligence and Data Privacy Through State Legislation (10:33 a.m.)**

Senator James Maroney, Connecticut General Assembly; Senator Sara Love, Maryland General Assembly; and Representative Steve Elkins, Minnesota Legislature, provided presentations on how artificial intelligence pertains to various state legislatures. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=9>.

**Assisted Outpatient Treatment Next Steps: Build Out, Stakeholders and Review (11:45 a.m.)**

The Honorable David K. Thomson, chief justice, New Mexico Supreme Court; the Honorable Jason Lidyard, judge, First Judicial District Court; Karl Reifsteck, deputy director, AOC; and Kathleen Vigil, court executive officer, First Judicial District Court, discussed criminal activity and criminal competency with regard to the First Judicial District. Mr. Reifsteck discussed the AOC's role as assisted outpatient treatment programs are established.

**Transparency in the Use of Artificial Intelligence (1:03 p.m.)**

Cristopher Moore, Ph.D., professor, Santa Fe Institute, and member, Interdisciplinary Working Group on Algorithmic Justice, and Alisa Lauer, Esq., chief of staff, Majority Leadership Office, House of Representatives, discussed artificial intelligence. Dr. Moore discussed how artificial intelligence is impacting consequential decisions through automated hiring, fraud detection and tenant screening and its impact on criminal justice. Ms. Lauer provided an overview of legislation regarding artificial intelligence. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=11>.

**Approval of Minutes (1:56 p.m.)**

On a motion made, seconded and approved, the committee adopted the minutes of the July 16-17, 2024 meeting.

**Children's Code Reform Task Force: Recommendations and Proposed Legislation (1:56 p.m.)**

Cristen Conley, director, Corinne Wolfe Center for Child and Family Justice, and chair, Children's Code Reform Task Force; the Honorable John J. Romero (retired), member, Children's Code Reform Task Force; and Kathleen Sabo, J.D., task force coordinator, Children's Code Reform Task Force, discussed the work being done by the task force. Ms. Sabo provided details about when the task force began meeting and the task force's two subcommittees. The speakers also discussed reports that were created by the task force. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=12>.

**Briefing on *Ortega v. Grisham*: Opinion and Order on Motion for Temporary Restraining Order and Preliminary Injunction (3:36 p.m.)**

Cristina Vazquez, staff attorney, LCS, provided a summary of the ongoing case brought by two New Mexico citizens against the governor as it relates to the seven-day waiting period to purchase a firearm. Simon Suzuki, staff attorney, LCS, discussed the court's determinations. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=13>.

**Public Comment (4:31 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:34 p.m.

**Wednesday, August 14****Reconvene**

Representative Chandler reconvened the meeting at 9:11 a.m.

**Albuquerque Police Department and Extreme Risk Firearm Protection Order (ERFPO): Process and Perspective: (9:12 a.m.)**

Matt Tinney, sergeant, Crisis Intervention Unit, Albuquerque Police Department; Cody Maxwell, detective, Crisis Intervention Unit, Albuquerque Police Department; and Jeff Jones, detective, Crisis Intervention Unit, Albuquerque Police Department, discussed the ERFPO. Harold Medina, chief of police, Albuquerque Police Department, discussed the success Albuquerque has had with law enforcement retention and decreasing levels of crime. They discussed updates on Senate Bill 5 (2020), the Extreme Risk Fire Protection Order Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=14>.

**Briefing on Extreme Risk Task Force Report (10:28 a.m.)**

Janice Madrid, lieutenant, New Mexico State Police Division, Department of Public Safety, discussed the work of the Extreme Risk Task Force, which examines fatalities and gun violence as it relates to age, gender and region. The Extreme Risk Fire Protection Order Act allows officers to receive firearms relinquished by those who present a danger to themselves or others. Lieutenant Madrid described how the task force advocates for specific legislative amendments. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=15>.

**House Bill 27 (2024) - ERFPO (10:55 a.m.)**

Representative Joy Garratt and Sheila Lewis, J.D., Extreme Risk Protection Order trainer and consultant, provided insight into House Bill 27 (2024). The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=8/12/2024&ItemNumber=16>.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 12:02 p.m.

Revised: September 6, 2024

**TENTATIVE AGENDA  
for the  
SIXTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 9-11, 2024  
Northern New Mexico College  
921 North Paseo de Onate  
Espanola**

**Monday, September 9**

- 9:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 9:45 a.m.       (1)   **Welcome and Northern Rising Update**  
—Hector Balderas, President, Northern New Mexico College
- 10:15 a.m.       (2)   **Briefing on Local Law Enforcement**  
—Billy A. Merrifield, Sheriff, Rio Arriba County  
—Major Lorenzo Aguilar, Rio Arriba County Sheriff's Office  
—Roger Trujillo, Interim Chief of Police, Ohkay Owingeh Police  
Department  
—Mitchell Maestas, Chief of Police, Pueblo of Santa Clara Police  
Department  
—Freddie Trujillo, Police Chief, Pueblo of Pojoaque Police Department
- 11:15 a.m.       (3)   **The Struggle of the Alianza Tenant Union at Las Lomas Apartments**  
—Dylan Schwaegel, Representative, Alianza Tenant Union
- 12:00 noon       **Working Lunch**  
(4)   **Briefing on the Espanola Pathways Shelter**  
—Dena Moscola, Executive Director, Espanola Pathways Shelter  
—Rob Vigil, Program Director, Eagle Village Recovery Housing
- 12:45 p.m.       (5)   **Espanola's Affordable Housing Crisis: Preserving Subsidized Housing  
in Rural New Mexico**  
—Wolf Bomgardner, Economic Equity Attorney, New Mexico Center on  
Law and Poverty

1:30 p.m. (6) [Housing Stability Context and Policies to Address Housing Stability](#)  
—Allison Freedman, Co-Founder, New Mexico Center for Housing Law (NMCHL)  
—Elizabeth Elia, Co-Founder, NMCHL  
—Serge Martinez, Co-Founder, NMCHL

3:30 p.m. (7) [Preserving Affordable Housing in New Mexico: Modernizing State Laws for Sustainable Manufactured Home Communities](#)  
—Maria Griego, Economic Equity Attorney, New Mexico Center on Law and Poverty  
—Joanne DeMichele, Resident, Silver City

4:30 p.m. **Committee Discussion**

5:00 p.m. **Public Comment\***

5:15 p.m. **Recess**

## **Tuesday, September 10**

9:30 a.m. **Reconvene**

9:35 a.m. (8) [Blood Draws and Video Confrontation: Practical Issues in DWI Law](#)  
—Kurtis Ward, Lieutenant, New Mexico State Police  
—Brianna A. Bigej, Attorney, Department of Public Safety  
—Representative Andrea Reeb

10:50 a.m. (9) [Partners for Reentry Opportunity in Workforce Development \(PROWD\)](#)  
—Nina Chavez, Director, Government Relations, Goodwill Industries of New Mexico (GINM)  
—Sesha Lee, Chief Services Officer, GINM  
—Ralph Martinez, Formerly Incarcerated Individual, Community Leader  
—Lisa Ortiz, Northern Area Local Workforce Development Board (NALWDB)

11:50 a.m. **Lunch**

1:00 p.m. (10) [New Mexico Justice Reinvestment Initiative Working Group: Key Data Findings](#)  
—Mackenzie Kushner, Ph.D., Data and Policy Specialist, Criminal Justice Institute (CJI)  
—Colleen Bogonovich, L.C.S.W., Senior Policy Specialist, CJI



- 2:00 p.m. (11) [New Mexico Association of Counties 2025 Legislative Priorities](#)  
—Joy Esparsen, Executive Director, New Mexico Association of Counties  
—Grace Philips, Risk Management Director, New Mexico Association of Counties  
—Katherine Carroll, Government Relations, New Mexico Association of Counties
- 3:00 p.m. (12) [Strengthening Municipal Governments, Modernization of the Municipal Code and the Inspection of Public Records Act](#)  
—A.J. Forte, Executive Director, New Mexico Municipal League (NMML)  
—Alison Nichols, Director of Policy, NMML
- 4:00 p.m. **Committee Discussion**
- 4:30 p.m. **Public Comment\***
- 4:45 p.m. **Recess**

**Wednesday, September 11**

- 9:00 a.m. **Reconvene**
- 9:05 a.m. (13) [Child Maltreatment and Policy Solutions to Reduce Child Maltreatment](#)  
—Rachel Mercer-Garcia, Principal Analyst, Legislative Finance Committee
- 10:05 a.m. (14) [Kevin S. Settlement](#)  
—Bette Fleishman, Executive Director, Pegasus Legal Services for Children  
—Sara Crecca, Esq.
- 11:05 a.m. (15) [Governance, Oversight and Accountability: Legislative Opportunities in Child Welfare](#)  
—Jenna Bannon, Associate Director, Children and Families Program, National Conference of State Legislatures (NCSL)  
—Hannah Ditzenberger, Policy Associate, Children and Families Program, NCSL
- 12:05 p.m. **Committee Discussion**
- 12:35 p.m. **Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Courts, Corrections and Justice Committee [web page](#).



**MINUTES  
of the  
SIXTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 9-11, 2024  
Northern New Mexico College  
921 North Paseo de Oñate  
Española**

The sixth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Christine Chandler, chair, on September 9, 2024 at 9:48 a.m. at Northern New Mexico College (NNMC) in Espanola.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Janelle Anyanonu  
Rep. Gail Chasey (9/9, 9/10)  
Sen. Antonio Maestas (9/9, 9/10)  
Rep. Alan T. Martinez (9/9, 9/10)  
Sen. Greg Nibert  
Rep. Andrea Reeb (9/10, 9/11)  
Rep. William "Bill" R. Rehm  
Rep. Andrea Romero (9/9, 9/10)  
Sen. Antoinette Sedillo Lopez

**Advisory Members**

Rep. John Block (9/11)  
Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena (9/9, 9/10)  
Rep. William A. Hall II  
Sen. Linda M. López (9/9, 9/11)  
Rep. Tara L. Lujan (9/10)  
Sen. Mimi Stewart  
Sen. Peter Wirth (9/9, 9/10)

**Guest Legislators**

Rep. Susan K. Herrera  
Rep. Joseph Sanchez (9/11)

**Absent**

Sen. Gregory A. Baca  
Sen. Bill B. O'Neill  
Rep. Angelica Rubio

Rep. Ambrose Castellano  
Sen. Katy M. Duhigg  
Rep. Jared A. Hembree  
Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson  
Rep. Stefani Lord  
Rep. Willie D. Madrid  
Sen. Cliff R. Pirtle  
Rep. Reena Szczepanski

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)

Sean Dolan, Staff Attorney, LCS

Domenica Nieto, Research Assistant, LCS

Simon Suzuki, Staff Attorney, LCS

**Guests**

The guest list in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Monday, September 9****Welcome and Introductions (9:48 a.m.)**

Representative Chandler welcomed everyone and asked committee members to introduce themselves.

**Welcome and Northern Rising Update (9:51 a.m.)**

John Ramon Vigil, mayor, City of Espanola; Hector Balderas, president, NNMC; Jasie Green, president, Student Senate, NNMC; Cecilia Romero, director, Continuing and Adult Education, NNMC; and Frank Loera, director, Career and Technical Education, NNMC, welcomed the committee to Espanola and spoke about the creation and success of NNMC. Mr. Balderas said that the college is leading in enrollment growth at 13% per semester. Ms. Green spoke about how her time at NNMC has led her to foster a more inclusive environment for herself and her classmates. Ms. Romero spoke about how she currently oversees 151 students through the High School Equivalency Program. Mr. Loera discussed his work developing the trades program.

**Briefing on Local Law Enforcement (10:31 a.m.)**

Mizel A. Garcia, chief of police, Espanola Police Department; Billy A. Merrifield, sheriff, Rio Arriba County; Roger Trujillo, interim chief of police, Ohkay Owingeh Police Department; and Mitchell Maestas, chief of police, Pueblo of Santa Clara Police Department, discussed the collaboration between the represented law enforcement agencies to achieve the goals of Espanola and Rio Arriba and Santa Fe counties. Chief Garcia expressed concerns regarding the need and lack of infrastructure for crisis treatment centers in Rio Arriba County. Mr. Trujillo discussed issues with retention as the pay that Ohkay Owingeh offers is not competitive compared to that of Los Alamos, Santa Fe and the New Mexico State Police.

Sheriff Merrifield emphasized the importance of having stricter laws to enforce against people distributing narcotics.

### **The Struggle of the Alianza Tenant Union at Las Lomas Apartments (11:45 a.m.)**

Dylan Schwaegel, representative, Alianza Tenant Union, discussed the origins of the union, stating that it was created on October 29, 2023. Mr. Schwaegel described instances in which tenants faced unprofessional situations with the owners and staff of Las Lomas Apartments, which led to the formation of the union. Specifically, he told the committee that rent was increased by 50% under new ownership while tenants experienced a significant lack of quality housing. He emphasized that specific demographics of tenants were appearing to be pushed out, such as low-income families and the elderly. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=3>.

A motion was made by Senator Sedillo Lopez and seconded by Representative Alcon to write a letter to the attorney general regarding his authority to prevent apartment companies from discriminating against low-income renters in New Mexico. A committee member noted that the State of New York has similar protections against this sort of discrimination. The motion passed.

### **Briefing on the Espanola Pathways Shelter (12:39 p.m.)**

Dena Moscola, executive director, Espanola Pathways Shelter; Jake Stockwell, operations director, Espanola Pathways Shelter; and Rob Vigil, program director, Eagle Village Recovery Housing program, spoke about their experiences working with the shelter. Rob Vigil discussed his work housing people in need during the COVID-19 pandemic and attempting to build recovery housing for people in the sobriety process. Ms. Moscola told the committee that the Espanola Pathways Shelter is currently facing a state of emergency. She discussed the ways that they wish to grow the shelter by opening up seven days per week, opening a warming shelter and acquiring pallet homes.

### **Espanola's Affordable Housing Crisis: Preserving Subsidized Housing in Rural New Mexico (1:12 p.m.)**

Wolf Bomgardner, economic equity attorney, New Mexico Center on Law and Poverty, spoke about two subsidized apartment complexes in Espanola, which are both closed, and the issues that arose after the closures. Mr. Bomgardner stated that in the span of two months, Espanola lost over 100 units of affordable housing, which led to an increase in homelessness. His presentation focused on the case of *Chavez v. Vilsack*, in which residents of La Vista del Rio Apartments filed a lawsuit against the United States Department of Agriculture, Bosley Management, Inc. and the new owner of the apartment complex. Mr. Bomgardner noted that New Mexico has a high rate of low-income families living in manufactured housing communities, and many of those communities have serious infrastructure issues. He

recommended that the committee meet with the attorney general regarding these issues. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=5>.

### **Housing Stability Context and Policies to Address Housing Stability (1:52 p.m.)**

Allison Freedman, co-founder, New Mexico Center for Housing Law (NMCHL); Elizabeth Elia, co-founder, NMCHL; and Serge Martinez, co-founder, NMCHL, discussed the NMCHL, which they started last year to promote and preserve stable housing for New Mexicans. They discussed how youth that face housing instability are likely to miss more days of school, leading to a lack of educational attainment and poor cognitive behavior. They outlined specific policies that they are advocating for, including eviction cases being sealed as they are filed, cases older than seven years automatically being sealed and giving tenants the ability to request that eviction records be sealed prior to the seven-year requirement. Ms. Elia presented on source-of-income discrimination laws and protections for manufactured housing communities and discussed manufactured home protections. She suggested that the legislature consider passing an Opportunity to Purchase Act, and she noted that 20 other states have versions of tenant purchase laws.

### **Preserving Affordable Housing in New Mexico: Modernizing State Laws for Sustainable Manufactured Home Communities (3:28 p.m.)**

Maria Griego, economic equity attorney, New Mexico Center on Law and Poverty, and Joanne DeMichele, resident, Town of Silver City, discussed preserving affordable housing in New Mexico. Ms. DeMichele discussed her experience as a resident of a manufactured home community and described how the new owners have raised prices and created an uncomfortable living environment for Ms. DeMichele and her neighbors. Ms. Griego discussed her experience working with clients in manufactured home communities in various cities across the state. She specifically discussed the implications that elderly people in New Mexico face and how the price of manufactured homes are rising while wages are not, adding challenges for low-income families. Additionally, Ms. Griego discussed how other states are approaching land ownership of manufactured homes and the affordability of living in those communities. She noted that recent laws have passed in several states, including Colorado and New Hampshire. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=7>.

### **Approval of Minutes (4:20 p.m.)**

On a motion made, seconded and approved, the committee adopted the minutes of the August 12-14, 2024 meeting.

### **Public Comment (4:42 p.m.)**

A list of individuals who made public comment is available in the meeting file.

## **Recess**

The meeting recessed at 4:46 p.m.

## **Tuesday, September 10**

### **Reconvene**

Representative Chandler reconvened the meeting at 9:34 a.m.

### **Blood Draws and Video Confrontation: Practical Issues in DWI Law (9:35 a.m.)**

Kurtis Ward, lieutenant, New Mexico State Police; Brianne A. Bigej, attorney, Department of Public Safety; and Representative Reeb introduced themselves. Lieutenant Ward began by discussing the 2016 United States Supreme Court case, *Birchfield v. North Dakota*, which held that law enforcement cannot require a blood test without a warrant if a person is suspected of driving under the influence, but that law enforcement can require a breath test without a warrant. Ms. Bigej introduced Raymundo Lujan II, sergeant, New Mexico State Police, who has been assigned to the DWI Unit since 2015. Ms. Bigej provided an overview of case laws relating to blood draws, specifically implied consent laws. Additionally, she made a recommendation that the legislature pass a law allowing for video testimony from blood test laboratory analysts in magistrate, metropolitan and district courts. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=8>.

### **Partners for Reentry Opportunity in Workforce Development (PROWD) (11:00 a.m.)**

Nina Chavez, director, Government Relations, Goodwill Industries of New Mexico (GINM); Sessa Lee, chief services officer, GINM; Ralph Martinez, formerly incarcerated individual and community leader; and Lisa Ortiz, Northern Area Local Workforce Development Board (NALWDB), discussed reentry opportunities in workforce development. Ms. Chavez began by discussing GINM's reentry workforce development program, through which formerly incarcerated individuals work to achieve and retain employment. Ms. Chavez referred to GINM's free non-mandated program, Next Steps, which operates in five New Mexico correctional facilities. Ms. Ortiz described her partnership with the Corrections Department and discussed the work the NALWDB did with the Penitentiary of New Mexico in Santa Fe. Ralph Martinez spoke about his personal experience with addiction and how he co-founded the Entrepreneurial Institute of Northern New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=9>.

**New Mexico Justice Reinvestment Initiative Working Group: Key Data Findings (1:00 p.m.)**

Mackenzie Kushner, Ph.D., data and policy specialist, Criminal Justice Institute (CJI), and Colleen Bogonovich, L.C.S.W., senior policy specialist, CJI, presented the findings of the New Mexico Justice Reinvestment Initiative Working Group. Ms. Kushner provided insight into law enforcement responses and descriptions of low-level offenses, and she stated that those issues drive New Mexico's criminal justice system. The presenters described how strong behavioral health systems are needed, as nearly 75% of those in prison or jail had previously received mental health treatment. They also discussed other statistics that the working group compiled. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=10>.

**New Mexico Association of Counties 2025 Legislative Priorities (2:05 p.m.)**

Joy Esparsen, executive director, New Mexico Association of Counties; Grace Philips, director, Risk Management, New Mexico Association of Counties; and Katherine Carroll, Government Relations, New Mexico Association of Counties, presented the New Mexico Association of Counties' legislative priorities for the upcoming legislative session and answered questions from the committee. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=11>.

**Strengthening Municipal Governments, Modernization of the Municipal Code and the Inspection of Public Records Act (IPRA) (3:00 p.m.)**

A.J. Forte, executive director, New Mexico Municipal League (NMML); Clinton Nicley, director, Risk Services, NMML; Tim Johnson, director, Public Safety, NMML; Rebecca Martinez, senior policy analyst, NMML; and Alison Nichols, director, Policy, NMML, introduced themselves and acknowledged the work of the legislators during the 2024 special session relating to financial assistance for the Village of Ruidoso. Mr. Forte discussed the ability to bond emergency medical services revenue, which will provide more support for small cities. Ms. Nichols focused on the IPRA, specifically discussing a comprehensive survey of 54 local governments, municipalities and counties conducted on how the IPRA is being administered. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=12>.

**Public Comment (4:12 p.m.)**

A list of individuals who made public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:15 p.m.



## **Wednesday, September 11**

### **Reconvene**

Representative Chandler reconvened the meeting at 9:10 a.m.

### **Child Maltreatment and Policy Solutions to Reduce Child Maltreatment (9:11 a.m.)**

Rachel Mercer-Garcia, principal analyst, Legislative Finance Committee (LFC), provided an overview of the Children, Youth and Families Department (CYFD) and explained how the department is organized and funded. She discussed LFC recommendations to help improve outcomes for families and children. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=13>.

### **Kevin S. Settlement (10:33 a.m.)**

Bette Fleishman, executive director, Pegasus Legal Services for Children, and Sara Crecca, Esq., described their experiences as they have gone through legal proceedings against the CYFD and the Health Care Authority since 2018 in the *Kevin S.* lawsuit. They answered questions from the committee on what work needs to be done to provide better outcomes for the children in the CYFD system.

### **Governance, Oversight and Accountability: Legislative Opportunities in Child Welfare (11:27 a.m.)**

Jenna Bannon, associate director, Children and Families Program, National Conference of State Legislatures (NCSL), and Hannah Ditzenberger, policy associate, Children and Families Program, NCSL, presented examples of what other states have done to establish more successful child welfare systems. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=9/9/2024&ItemNumber=15>.

### **Adjournment**

There being no further business before the committee, the meeting adjourned at 12:24 p.m.



Revised: October 7, 2024

**TENTATIVE AGENDA  
for the  
SEVENTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**October 9-10, 2024  
Stan Fulton Athletics Center's Villanueva Victory Club  
New Mexico State University  
1815 Wells Street  
Las Cruces**

**Wednesday, October 9**

- 9:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 9:45 a.m.           (1) **[Welcome to New Mexico State University \(NMSU\)](#)**  
—Mónica Torres, Interim President, NMSU
- 10:00 a.m.           (2) **[Corrections Overview](#)**  
—Alisha Tafoya Lucero, Secretary, Corrections Department
- 11:00 a.m.           (3) **[Parole Board Modernization](#)**  
—Denali Wilson, Staff Attorney, American Civil Liberties Union of New Mexico
- 11:30 a.m.           (4) **[Local Law Enforcement Perspectives](#)**  
—Kim Stewart, Sheriff, Dona Ana County  
—Jeremy Story, Chief, Las Cruces Police Department
- 12:15 p.m.           **Lunch**
- 1:00 p.m.           (5) **[New Mexico Justice Reinvestment Working Group: Summary of Policy Recommendations](#)**  
—Kevin Burns, Captain; Working Group Chair, San Juan County Sheriff's Office  
—Len Engel, Director, Policy and Campaigns, Crime and Justice Institute  
—Colleen Bogonovich, Senior Policy Specialist, Crime and Justice Institute
- 2:00 p.m.           (6) **[Competency Diversion Pilot Program — Third Judicial District](#)**  
—The Honorable G. Alexander Rossario, Dona Ana County Magistrate Court, Division 7; Lead Judge, Third Judicial District Competency Diversion Pilot Program  
—Jamie Michael, Director, Health and Human Services, Dona Ana County

3:00 p.m. (7) [Housing and Public Safety Solutions](#)  
—Rachel Biggs, Chief Strategy Officer, Albuquerque Health Care for the Homeless, Inc.  
—Nicole Martinez, Executive Director, Mesilla Valley Community of Hope

4:00 p.m. **Committee Discussion**

4:30 p.m. **Public Comment\***

4:45 p.m. **Recess**

### **Thursday, October 10**

9:00 a.m. **Reconvene**

9:05 a.m. (8) [Update on the Health Care Consolidation Oversight Act \(2024 Legislative Session\) — Plans for the 2025 Legislative Session](#)  
—Representative Reena Szczepanski  
—Senator Katy M. Duhigg  
—Alice T. Kane, Superintendent, Office of Superintendent of Insurance  
—Jane Wishner, Health Policy Consultant

9:45 a.m. (9) [Health Care Merger and Acquisition Considerations](#)  
—Troy Clark, President and Chief Executive Officer (CEO), New Mexico Hospital Association

10:10 a.m. **Question and Answer Period on Health Care Presentations**

10:40 a.m. **Memorial Medical Center Investigation Update (Executive Session)**  
—James Grayson, Chief Deputy Attorney General, State Department of Justice  
—Sean Sullivan, Special Counsel, State Department of Justice  
—Nicolas Cordova, Assistant Attorney, State Department of Justice

11:40 a.m. **Lunch**

12:30 p.m. (10) [The Corporatization of Medicine: Opportunities and Concerns](#)  
—Robert "Tyler" Braun, Ph.D.

2:00 p.m. (11) [Private Equity Acquisitions in Health Care: Evidence to Date](#)  
—Zirui Song, M.D., Ph.D., Associate Professor, Health Care Policy and Medicine, Harvard Medical School and Massachusetts General Hospital

3:00 p.m. (12) [The Private Equity Playbook](#)  
—Aditi Sen, Managing Director, Research and Campaigns, Americans for Financial Reform

4:00 p.m. (13) [Private Equity Contributions to New Mexico Health Care](#)  
—Troy Clark, President and CEO, New Mexico Hospital Association

4:30 p.m. (14) [Measuring the Quality of Care in New Mexico Nursing Homes](#)  
—Vicente Vargas, Executive Director, New Mexico Health Care  
Association/New Mexico Center for Assisted Living

4:55 p.m. **Committee Discussion**

5:20 p.m. **Public Comment\***

5:30 p.m. **Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Courts, Corrections and Justice Committee [web page](#).



**MINUTES  
of the  
SEVENTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**October 9-10, 2024  
Stan Fulton Athletics Center's Villanueva Victory Club  
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1815 Wells Street  
Las Cruces**

The seventh meeting of the Courts, Corrections and Justice Committee was called to order by Representative Christine Chandler, chair, on October 9, 2024 at 9:36 a.m. at the Stan Fulton Athletics Center's Villanueva Victory Club at New Mexico State University in Las Cruces.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Gail Chasey  
Sen. Katy M. Duhigg\*  
Rep. Alan T. Martinez  
Sen. Greg Nibert  
Sen. Peter Wirth\*

**Absent**

Rep. Janelle Anyanonu  
Sen. Gregory A. Baca  
Sen. Antonio Maestas  
Sen. Bill B. O'Neill  
Rep. Andrea Reeb  
Rep. William "Bill" R. Rehm  
Rep. Andrea Romero  
Rep. Angelica Rubio  
Sen. Antoinette Sedillo Lopez

**Advisory Members**

Rep. John Block (10/10)  
Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena  
Rep. William A. Hall II  
Rep. Willie D. Madrid  
Sen. Mimi Stewart  
Rep. Reena Szczepanski (10/10)

Rep. Ambrose Castellano  
Rep. Jared A. Hembree  
Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson  
Sen. Linda M. López  
Rep. Stefani Lord  
Rep. Tara L. Lujan  
Sen. Cliff R. Pirtle

**Guest Legislators**

Sen. Crystal Brantley  
Rep. Jenifer Jones (10/10)

(Attendance dates are noted for members not present for the entire meeting.)

\*Appointed by the speaker of the house of representatives or the president pro tempore of the senate as a voting member for this meeting only.

**Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)

Sean Dolan, Staff Attorney, LCS

Simon Suzuki, Staff Attorney, LCS

Domenica Nieto, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file and are posted on the legislature's website.

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Wednesday, October 9****Welcome and Introductions (9:36 a.m.)**

Representative Chandler welcomed everyone and asked committee members to introduce themselves.

**Corrections Overview (9:47 a.m.)**

Alisha Tafoya Lucero, secretary, Corrections Department, updated the committee on new programs throughout the Corrections Department, spoke about what is and is not working for inmates, spoke about recidivism and the efforts to limit the recidivism rate and answered questions from committee members regarding the department and potential legislation.

**Parole Board Modernization (11:19 a.m.)**

Denali Wilson, staff attorney, American Civil Liberties Union of New Mexico, presented a draft bill aimed at attracting more people to be members of the Parole Board, discussed parole board changes across the country and answered committee members' questions regarding the bill and Parole Board. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=3>.

**Local Law Enforcement Perspectives (11:39 a.m.)**

Kim Stewart, sheriff, Dona Ana County, and Jeremy Story, chief, Las Cruces Police Department, provided an overview of crime in Dona Ana County, including providing data,



pictures and videos. The panel answered questions from committee members. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=4>.

**New Mexico Justice Reinvestment Working Group: Summary of Policy Recommendations (1:23 p.m.)**

Kevin Burns, captain and working group chair, San Juan County Sheriff's Office; Len Engel, director, Policy and Campaigns, Crime and Justice Institute; and Colleen Bogonovich, senior policy specialist, Crime and Justice Institute, presented a national view of policy recommendations being introduced around the country and answered committee members' questions regarding which policies are working best. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=5>.

**Competency Diversion Pilot Program — Third Judicial District (2:04 p.m.)**

The Honorable G. Alexander Rossario, Dona Ana County Magistrate Court, Division 7, and lead judge, Third Judicial District Competency Diversion Pilot Program, and Jamie Michael, director, Health and Human Services, Dona Ana County, described the Third Judicial District's competency diversion pilot program and the program's recent successes. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=6>.

**Housing and Public Safety Solutions (3:08 p.m.)**

Rachel Biggs, chief strategy officer, Albuquerque Health Care for the Homeless, Inc., and Nicole Martinez, executive director, Mesilla Valley Community of Hope, provided an overview of what their respective programs do, the successes of each program and what the programs hope to continue doing. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=7>.

**Public Comment (4:27 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:39 p.m.

**Thursday, October 10**

**Reconvene**

Representative Chandler reconvened the meeting at 9:07 a.m.

**Update on the Health Care Consolidation Oversight Act (2024 Legislative Session) — Plans for the 2025 Legislative Session (9:14 a.m.)**

Representative Szczepanski; Senator Duhigg; Alice T. Kane, superintendent, Office of Superintendent of Insurance; and Jane Wishner, health policy consultant, provided a brief update on the implementation of the Health Care Consolidation Oversight Act, answered questions from committee members and discussed potential future changes to the act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=8>.

**Health Care Merger and Acquisition Considerations (9:38 a.m.)**

Troy Clark, president and chief executive officer, New Mexico Hospital Association, answered committee members' questions regarding the position of the association on how the implementation of the Health Care Consolidation Oversight Act is progressing.

**Question and Answer Period on Health Care Presentations (9:47 a.m.)**

Committee members engaged in a question and answer period with Ms. Kane, Ms. Wishner and Mr. Clark. It was an open discussion regarding all aspects of the Health Care Consolidation Oversight Act.

**The Corporatization of Medicine: Opportunities and Concerns (10:34 a.m.)**

Robert "Tyler" Braun, Ph.D., discussed the history of large- and small-scale hospital mergers from a national perspective. There was robust questioning from the committee regarding how the national trends translate to New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=10>.

**EXECUTIVE SESSION (Closed Meeting): Memorial Medical Center Investigation Update (10:55 a.m.)**

**Private Equity Acquisitions in Health Care: Evidence to Date (2:05 p.m.)**

Zirui Song, M.D., Ph.D., associate professor, Health Care Policy and Medicine, Harvard Medical School and Massachusetts General Hospital, presented via Zoom and discussed his research regarding private equity acquisitions in health care and how care has changed for the patients. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=11>.

**The Private Equity Playbook (3:16 p.m.)**

Aditi Sen, managing director, Research and Campaigns, Americans for Financial Reform, presented on the financial side of hospital private equity acquisitions and mergers. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=10/9/2024&ItemNumber=12>.

**Private Equity Contributions to New Mexico Health Care (3:39 p.m.)**

Mr. Clark briefly presented to the committee and answered questions.

**Measuring the Quality of Care in New Mexico Nursing Homes (4:07 p.m.)**

Vicente Vargas, executive director, New Mexico Health Care Association/New Mexico Center for Assisted Living, presented his perspective on nursing home care in New Mexico and discussed private equity in nursing homes.

**Approval of Minutes (4:26 p.m.)**

The committee unanimously approved the minutes of the September 9-11, 2024 meeting.

**Public Comment (4:48 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 4:56 p.m.



Revised: November 12, 2024

**TENTATIVE AGENDA  
for the  
EIGHTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**November 12-13, 2024  
State Capitol, Senate Chamber  
Santa Fe**

**Tuesday, November 12**

- 9:15 a.m.           **Call to Order and Introductions**  
—Representative Christine Chandler, Chair  
—Senator Joseph Cervantes, Vice Chair
- 9:30 a.m.           **EXECUTIVE SESSION (Closed Meeting): Judicial Buy-Back Policy  
(Pending Litigation)**  
—Wayne Propst, Secretary, Department of Finance and Administration  
(DFA)  
—Mark Melhoff, Director, Financial Control Division, DFA  
—Dylan Lange, Director, State Personnel Office  
—James Grayson, Chief Deputy Attorney General, State Department of  
Justice  
—The Honorable David K. Thomson, Chief Justice, New Mexico Supreme  
Court  
—Karl Reifsteck, Director, Administrative Office of the Courts
- 10:45 a.m.       (1)   **Counseling Compact**  
—Senator Antonio Maestas  
—Jeannie Montoya, L.L.P.C., Government Relations Chair, New Mexico  
Counseling Association  
—Aprille Woodson, Ph.D., J.D., L.P.C., N.C.C., Program Manager, Ethics,  
American Counseling Association  
—Nahale Kalfas, Legal Counsel, Counseling Compact
- 11:30 a.m.       (2)   **Increasing Penalties for Automobile Thefts**  
—Representative Cynthia Borrego
- 12:00 noon           **Recognition of Legislative Members' Service**
- 12:20 p.m.           **Lunch**

- 1:00 p.m. (3) [Office of the Secretary of State — Implementation and Priorities Update](#)  
—The Honorable Maggie Toulouse Oliver, Secretary of State, Office of the Secretary of State  
—Lindsey Bachman, Director, Legislative and Executive Affairs, Office of the Secretary of State  
—Mandy Vigil, Election Director, Office of the Secretary of State
- 2:00 p.m. (4) [Bernalillo County District Attorney Bill Proposals](#)  
—Sam Bregman, District Attorney, Second Judicial District  
—Troy Gray, Deputy District Attorney, Second Judicial District
- 3:15 p.m. (5) [Privacy, Public Safety and Civil Liberties: Perspectives on Police Surveillance Technology](#)  
—Daniel Williams, Policing Policy Advocate, American Civil Liberties Union of New Mexico (ACLU-NM)  
—Jazmyn Taitingfong, Attorney, ACLU-NM  
—John Allen, Sheriff, Bernalillo County

- 4:00 p.m. (6) [The Power to "Destroy": The Scope and Limits of the Partial Veto Power](#)  
—Simon Suzuki, Staff Attorney, Legislative Council Service

4:45 p.m. **Public Comment\***

5:00 p.m. **Committee Discussion**

5:20 p.m. **Recess**

### **Wednesday, November 13**

9:00 a.m. **Reconvene**

- 9:05 a.m. (7) [Proposed Improvements to the Night Sky Protection Act](#)  
—Senator Elizabeth "Liz" Stefanics  
—Peter Lipscomb, Vice Chair, New Mexico Chapter, DarkSky International  
—Galen Gisler, Council Member, New Mexico Chapter, DarkSky International

- 9:50 a.m. (8) [Proposed Changes to the Anti-Donation Clause](#)  
—Senator Gerald Ortiz y Pino  
—Representative Kathleen Cates

- 10:35 a.m. (9) **Findings and Recommendations of the House Memorial 40 (2023) and House Memorial 45 (2024) Federal Prison Rape Elimination Act of 2003 (PREA) Task Force**  
—Elena Rubinfeld, J.D., Legal Director, New Mexico Coalition of Sexual Assault Programs  
—Roman Varela, M.B.A., Administrator, PREA, Bernalillo County Metropolitan Detention Center
- 11:20 a.m. (10) **Police Powers for the Cannabis Control Division of the Regulation and Licensing Department**  
—Senator Katy M. Duhigg
- 11:50 a.m. **Lunch**
- 1:00 p.m. (11) **Criminal Offender Employment Act: Caregivers Exemption Proposal**  
—Shelley Strong, General Counsel, Early Childhood Education and Care Department
- 2:00 p.m. (12) **Data-Driven Decisions in Criminal Justice: The Future of Data Governance in New Mexico**  
—Michael Smith, Director, Institute for Complex Additive Systems Analysis (ICASA), New Mexico Institute of Mining and Technology (New Mexico Tech)  
—Stephanie Maez, Manager, Data Governance Project, ICASA, New Mexico Tech  
—Jeriah McKenna, Research Scientist, ICASA, New Mexico Tech  
—Charles Brook, Senior Software Developer, ICASA, New Mexico Tech
- 3:00 p.m. (13) **Local Law Enforcement Perspectives**  
—Paul Joye, Chief, Santa Fe Police Department  
—Adan Mendoza, Sheriff, Santa Fe County
- 4:00 p.m. **Public Comment\***
- 4:15 p.m. **Adjourn**

\*Members of the public may make virtual public comments during the public comment period of the meeting by following the instructions under the "Virtual Public Comment" section of the Courts, Corrections and Justice Committee [web page](#).





**MINUTES  
of the  
EIGHTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**November 12-13, 2024  
State Capitol  
Room 307 and Senate Chamber  
Santa Fe**

The eighth meeting of the Courts, Corrections and Justice Committee was called to order by Representative Christine Chandler, chair, on October 9, 2024 at 9:32 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Chandler, Chair  
Sen. Joseph Cervantes, Vice Chair (11/12)  
Rep. Janelle Anyanonu  
Rep. Gail Chasey  
Sen. Antonio Maestas  
Rep. Alan T. Martinez  
Sen. Greg Nibert  
Rep. Andrea Reeb  
Rep. William "Bill" R. Rehm  
Sen. Antoinette Sedillo Lopez

**Absent**

Rep. Eliseo Lee Alcon  
Sen. Bill B. O'Neill  
Rep. Andrea Romero  
Rep. Angelica Rubio

**Advisory Members**

Rep. John Block  
Rep. Cynthia Borrego  
Rep. Micaela Lara Cadena (11/12)  
Sen. Katy M. Duhigg  
Sen. Linda M. López (11/12)  
Rep. Tara L. Lujan  
Rep. Willie D. Madrid  
Sen. Peter Wirth

Rep. Ambrose Castellano  
Rep. William A. Hall II  
Rep. Jared A. Hembree  
Sen. Daniel A. Ivey-Soto  
Rep. D. Wonda Johnson  
Rep. Stefani Lord  
Sen. Cliff R. Pirtle  
Sen. Mimi Stewart  
Rep. Reena Szczepanski

**Guest Legislators**

Rep. Cristina Parajón (11/12)  
Rep. Joseph Sanchez (11/12)

(Attendance dates are noted for members not present for the entire meeting.)

## **Staff**

Nancy Martinez, Bill Drafter, Legislative Council Service (LCS)

Sean Dolan, Staff Attorney, LCS

Simon Suzuki, Staff Attorney, LCS

Domenica Nieto, Research Assistant, LCS

## **Minutes Approval**

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

## **Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts and other written testimony are in the meeting file and are posted on the legislature's website.

## **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

## **Tuesday, November 12**

### **Welcome and Introductions (9:32 a.m.)**

Representative Chandler welcomed everyone and asked committee members to introduce themselves.

### **EXECUTIVE SESSION (Closed Meeting): Judicial Buy-Back Policy (Pending Litigation) (9:35 a.m.)**

#### **Counseling Compact (11:28 a.m.)**

Senator Maestas; Jeannie Montoya, L.L.P.C., government relations chair, New Mexico Counseling Association; Aprille Woodson, Ph.D., J.D., L.P.C., N.C.C., program manager, Ethics, American Counseling Association; and Nahale Kalfas, legal counsel, Counseling Compact, presented an overview of what the Counseling Compact is, how it works and ways it could be incorporated in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=1>.

### **Office of the Secretary of State — Implementation and Priorities Update (1:06 p.m.)**

Maggie Toulouse Oliver, secretary of state, Office of the Secretary of State; Lindsey Bachman, director, Legislative and Executive Affairs, Office of the Secretary of State; and Mandy Vigil, election director, Office of the Secretary of State, presented an overview of state elections held in 2024, spoke about potential proposals for the future and answered committee members' questions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=3>.

### **Bernalillo County District Attorney Bill Proposals (2:01 p.m.)**

Sam Bregman, district attorney, Second Judicial District, and Troy Gray, deputy district attorney, Second Judicial District, presented on bill proposals for the Second Judicial District. Mr. Bregman answered questions about the district's bill proposals, which include proposals regarding human trafficking, delinquency and other amendments to the Children's Code, possession of a handgun and unlawful weapon modification. The committee engaged in a full discussion regarding the pros and cons of each bill, and members asked questions regarding the feasibility and constitutionality of each bill. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=4>.

### **Privacy, Public Safety and Civil Liberties: Perspectives on Police Surveillance Technology (3:30 p.m.)**

Daniel Williams, policing policy advocate, American Civil Liberties Union of New Mexico (ACLU-NM); Jazmyn Taitingfong, attorney, ACLU-NM; and John Allen, sheriff, Bernalillo County, presented different perspectives on police surveillance technology. Mr. Williams and Ms. Taitingfong spoke about constitutional protections and potential issues with police surveillance technology. He answered questions regarding how the technology has been deployed in other jurisdictions, what legislation has been passed and what the ACLU-NM believes is best for New Mexico. Sheriff Allen presented a law enforcement perspective and spoke about how various technologies can assist police officers. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=5>.

### **Increasing Penalties for Automobile Thefts (4:07 p.m.)**

Representative Borrego, Sheriff Allen and Representative Sanchez presented a bill that had previously been introduced regarding penalties for the unlawful taking of a vehicle. The committee engaged in a brief discussion about potential issues with the bill and its enforcement. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=2>.

**Public Comment (4:34 p.m.)**

A list of individuals who made public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:45 p.m.

**Wednesday, November 13****Reconvene**

Representative Chandler reconvened the meeting at 9:16 a.m in the senate chamber of the State Capitol.

**Proposed Improvements to the Night Sky Protection Act (9:17 a.m.)**

Senator Elizabeth "Liz" Stefanics; Peter Lipscomb, vice chair, New Mexico Chapter, DarkSky International; and Galen Gisler, council member, New Mexico Chapter, DarkSky International, presented potential changes to the Night Sky Protection Act, discussed why the changes are necessary and answered questions regarding the legislation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=7>.

**Proposed Changes to the Anti-Donation Clause (10:01 a.m.)**

Senator Gerald Ortiz y Pino and Representative Kathleen Cates presented potential changes to the Anti-Donation Clause of the Constitution of New Mexico, provided an overview and history of the Anti-Donation Clause and discussed the potential impacts of the proposed legislation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=8>.

**Findings and Recommendations of the House Memorial 40 (2023) and House Memorial 45 (2024) Federal Prison Rape Elimination Act of 2003 (PREA) Task Force (10:35 a.m.)**

Elena Rubinfeld, J.D., legal director, New Mexico Coalition of Sexual Assault Programs, and Roman Varela, M.B.A., administrator, PREA Task Force, Bernalillo County Metropolitan Detention Center, presented a brief overview of the work the PREA Task Force has completed. The group reviewed the task force meetings and discussed agreements and disagreements among committee members.

**Police Powers for the Cannabis Control Division of the Regulation and Licensing Department (11:10 a.m.)**

Senator Maestas presented current issues with enforcement in the Cannabis Control Division and discussed the pros and cons of the Regulation and Licensing Department having its own enforcement power.

**Approval of Minutes (11:17 a.m.)**

The committee unanimously approved the minutes of the October 9-11, 2024 meeting.

**Criminal Offender Employment Act: Caregivers Exemption Proposal (1:14 p.m.)**

Shelley Strong, general counsel, Early Childhood Education and Care Department, presented an overview of the hiring and background check process the department administers for each employee. Ms. Strong discussed why legislation regarding background checks is needed and answered questions on the procedures of the hiring process. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=11>.

**Data-Driven Decisions in Criminal Justice: The Future of Data Governance in New Mexico (1:31 p.m.)**

Michael Smith, director, Institute for Complex Additive Systems Analysis (ICASA), New Mexico Institute of Mining and Technology (New Mexico Tech); Stephanie Maez, manager, Data Governance Project, ICASA, New Mexico Tech; Jeriah McKenna, research scientist, ICASA, New Mexico Tech; and Charles Brook, senior software developer, ICASA, New Mexico Tech, discussed the ways technology is used for data-driven decisions regarding criminal justice in New Mexico. The panel presented on how data is currently shared and used and discussed possible ways to improve the system. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=12>.

**Local Law Enforcement Perspectives (2:40 p.m.)**

Paul Joye, chief, Santa Fe Police Department, and Adan Mendoza, sheriff, Santa Fe County, discussed their perspectives on public safety issues, including what is and is not working, what can be improved and ways to help officers of the department. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=CCJ&Date=11/12/2024&ItemNumber=13>.

**Public Comment (4:11 p.m.)**

A list of individuals who made public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 4:14 p.m.







LEGISLATIVE COUNCIL SERVICE  
SANTA FE, NEW MEXICO