

**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, 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.