

**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, 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.