

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

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