

A MEMORIAL

REQUESTING A STUDY ON THE NEED FOR PROBATION SERVICES IN THE
MAGISTRATE COURTS.

WHEREAS, magistrates have jurisdiction in all criminal cases of misdemeanors and petty misdemeanors, including offenses under local ordinances; and

WHEREAS, magistrates adjudicate most of the offenses committed for driving under the influence of intoxicating liquor or drugs and for domestic violence; and

WHEREAS, magistrates see many offenders return to their courts on the same or similar offenses; and

WHEREAS, depending on the offender and the nature of the offense, magistrates may impose a suspended or deferred sentence and require community service, treatment, education, installation of an ignition interlock device or other conditions of probation; and

WHEREAS, magistrates are unable to determine whether an offender has complied with the conditions of probation because no probation services are available for the magistrate courts; and

WHEREAS, without probation officers to supervise those on probation, the orders of magistrates are rendered meaningless and without force; and

WHEREAS, the misdemeanor compliance program was enacted

in 2000 to allow counties to alleviate the problem of unsupervised probation in the magistrate courts, but the program has been either insufficiently funded or is not viable in many counties;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the administrative office of the courts be requested to convene a task force that includes a representative from the adult probation and parole division of the corrections department, the magistrate judges association and other relevant and interested entities or organizations to study the extent of and explore methods for addressing the need for probation services in the magistrate courts; and

BE IT FURTHER RESOLVED THAT the administrative office of the courts report to the appropriate interim legislative committee on the recommendations of the task force, including any recommendations for a pilot project, no later than November 2008; and

BE IT FURTHER RESOLVED THAT a copy of this memorial be transmitted to the administrative office of the courts.