

A MEMORIAL

REQUESTING A STUDY OF ALTERNATIVE ADJUDICATIVE PROCEDURES FOR TRAFFIC OFFENSES STATEWIDE.

WHEREAS, in many jurisdictions throughout New Mexico, minor traffic warrants represent more than one-half of all outstanding warrants; and

WHEREAS, research data collected to determine the effectiveness and efficiency of continued criminal warrant notices have demonstrated that criminal warrants neither represent a deterrent to the habitual offender's disregard of the traffic codes nor provide increased public safety on the highways; and

WHEREAS, research data indicate that the ever-increasing number of traffic warrants is not reduced until violators are stopped on other moving violations or other criminal charges; and

WHEREAS, currently in Bernalillo county there are an estimated sixty-one thousand seventy outstanding warrants for minor traffic violations; and

WHEREAS, these violations include failure to pay fines and failure to appear in court; and

WHEREAS, in 2007, six thousand two hundred twenty-four persons were booked into the Bernalillo county metropolitan detention center for traffic-related warrants and minor

traffic violations, placing great strain on Bernalillo county's sentencing and court systems and Bernalillo county's metropolitan detention center; and

WHEREAS, removing criminal penalties, including the possibility of incarceration in jails, from traffic and driving penalties and instead punishing violations with civil sanctions could make better use of the resources dedicated to criminal justice without jeopardizing public safety and without increasing the incarcerated population; and

WHEREAS, punishing traffic offenses by fines and limitations on a driver's credit history and ability to access public utilities could prove to be a lesser drain on court and incarceration systems;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state commence a statewide study to examine alternative adjudicative procedures for traffic offenses; and

BE IT FURTHER RESOLVED that the interim legislative committee that studies courts and corrections issues study current New Mexico law relating to minor traffic offenses, report the study's findings and make recommendations for legislation prior to the first session of the forty-ninth legislature; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor and the co-chairs of the New

Mexico legislative council.