

1 SENATE MEMORIAL 101

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Michael Padilla

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10 A MEMORIAL

11 REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE
12 DEPARTMENT OF HEALTH TO STUDY THE FEASIBILITY OF SENTENCING
13 NONVIOLENT OFFENDERS WHO HAVE A DRUG ADDICTION PROBLEM TO A
14 MANDATORY, THIRTY-DAY DRUG REHABILITATION PROGRAM WHILE
15 INCARCERATED.

16
17 WHEREAS, the connection between drug use and crime is well
18 known; and

19 WHEREAS, drug use and intoxication can impair judgment and
20 result in criminal behavior, poor anger management and violent
21 behavior; and

22 WHEREAS, untreated substance-using offenders are more
23 likely to relapse into drug use and criminal behavior,
24 jeopardizing public health and safety and taxing criminal
25 justice system resources; and

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1 WHEREAS, treatment consistently has been shown to reduce
2 the costs associated with lost productivity, crime and
3 incarceration caused by drug use; and

4 WHEREAS, public opinion research indicates that the
5 majority of people in New Mexico and the country support a
6 shift away from incarceration and toward treatment of
7 nonviolent drug offenders; and

8 WHEREAS, the national institute on drug abuse states that
9 mandatory drug rehabilitation treatment offers the best
10 alternative for interrupting the cycle between drug use and
11 criminal behavior for offenders with drug problems; and

12 WHEREAS, drug addicts who are rehabilitated have the
13 opportunity to redirect their lives, live free from addiction
14 and move forward as productive citizens; and

15 WHEREAS, the rehabilitation of drug addicts reduces the
16 monetary impact on the costs related to the demands on the
17 police, courts, jails, schools, hospitals, insurance and
18 business liabilities; and

19 WHEREAS, state governments are looking at ways to reduce
20 prison populations and the related costs of incarceration; and

21 WHEREAS, over the last three years, New Jersey has reduced
22 its prison population by nine and five-tenths percent, a
23 greater rate than nearly every other state, according to the
24 Brennan center report; and

25 WHEREAS, New Jersey downsized its prison population in

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1 part by replacing incarceration with drug and alcohol treatment
2 programs and ending mandatory prison terms for drug offenses;
3 and

4 WHEREAS, it would be beneficial for New Mexico to study
5 the feasibility of sentencing nonviolent offenders who have a
6 drug addiction problem to participation in a mandatory, thirty-
7 day drug rehabilitation program while incarcerated; and

8 WHEREAS, the Bernalillo county metropolitan detention
9 center in Albuquerque could be considered as a location to
10 implement a mandatory, thirty-day drug rehabilitation program;
11 and

12 WHEREAS, an analysis of the feasibility of conducting a
13 mandatory, thirty-day drug rehabilitation program at the
14 Bernalillo county metropolitan detention center for nonviolent
15 offenders with drug addiction would provide important data;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
17 OF NEW MEXICO that the administrative office of the courts and
18 the department of health be requested to convene a study group
19 to determine the feasibility of sentencing nonviolent offenders
20 who have a drug addiction problem to a mandatory, thirty-day
21 drug rehabilitation program while incarcerated; and

22 BE IT FURTHER RESOLVED that the study group be requested
23 to determine the feasibility of conducting such a mandatory,
24 thirty-day drug rehabilitation program at the Bernalillo county
25 metropolitan detention center; and

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1 BE IT FURTHER RESOLVED that the study group be requested
2 to report its findings and recommendations to the appropriate
3 interim legislative committee by November 1, 2016; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the director of the administrative office of the
6 courts and the secretary of health.