

April 7, 2017

HOUSE EXECUTIVE MESSAGE NO. 54

The Honorable Brian Egolf, Jr., Speaker of the House and  
Members of the House of Representatives  
State Capitol Building  
Santa Fe, NM 87501

Honorable Speaker Egolf and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL 428, as amended, enacted by the Fifty-Third Legislature, First Session, 2017.

House Bill 428 (“HB 428”) amends numerous sections of law to reduce the penalty for several crimes like littering and improper tint on car windshields. I am not necessarily opposed to some of these penalty reductions; a sensible reduction for a limited number of minor offenses could ease some of the burdens that our courts and public defenders face. However, HB 428 goes too far and jeopardizes the health, welfare, and safety of New Mexicans.

For example, individuals who need handicap parking the most—like those who cannot walk, have a lung disease or severe cardiac condition—would suffer as a result of HB 428. The fact that this legislation would reduce the penalty for any person who provides false information in order to acquire a limited mobility placard or special registration plate is unconscionable.

Furthermore, reducing penalties for individuals driving on a suspended license is unacceptable and eliminates the incentive for a driver to satisfy the requirements to reinstate their license. HB 428 would take away the discretion of the Court in considering the seriousness of the offense, the offender’s criminal history, and the circumstances surrounding the offense. There would be no way for the Court to consider these factors and sentence the individual so as to provide the optimal sentence for rehabilitation, social justice, and public safety.

Buried at the end of this 82-page bill is the repeal of several sections of law which are not specifically identified by name in the bill. HB 428 repeals the indecent dancing statute

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and permits completely nude dancing in liquor establishments, which would increase the chances of sexual assault. HB 428 would also permit waiters and waitresses to be completely nude while serving beverage or food in licensed liquor establishments. The health risk is enormous.

More than just common sense, there are numerous cases and studies that note a variety of negative secondary effects of establishments that feature totally nude men and women including, but not limited to, poor sanitation, personal and property crimes, prostitution, potential spread of diseases, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation. HB 428 could have a severe impact on the surrounding businesses and residences as well.

The vision that Representative Maestas has for New Mexico is very different than the one I have for our state.

Respectfully yours,

Susana Martinez  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: \_\_\_\_\_ a.m. p.m.

Date: \_\_\_\_\_, 2017

By \_\_\_\_\_  
Secretary of State

Time: \_\_\_\_\_ a.m. p.m.

Date: \_\_\_\_\_, 2017

By \_\_\_\_\_  
Chief Clerk of the House