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SENATE JOINT MEMORIAL 52

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

JOSEPH J. CARRARO

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO CONSULT WITH
APPROPRIATE JUDICIAL AUTHORITIES AND LAW ENFORCEMENT AGENCIES
AND MAKE RECOMMENDATIONS TO THE FORTY-THIRD LEGISLATURE
REGARDING THE ADEQUACY OF THE CRIMINAL SENTENCING ACT.

WHEREAS, since 1963 New Mexico has had a Criminal Code and
since 1977 a Criminal Sentencing Act, both of which contain
nearly four hundred pages of statutory law addressing hundreds
of criminal offenses and a wide array of criminal sentencing
provisions; and

WHEREAS, within the state's Criminal Code a perpetrator may
be punished for personal injury or damage to property, including
unlawfully threatening or menacing conduct, insulting language,
assaulting or striking a person, the intentional touching of
another in a rude, insolent or angry manner, trespassing and a

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1 host of other similar criminal offenses against any citizen or
2 against their property; and

3 WHEREAS, all persons convicted of a crime in New Mexico are
4 sentenced in accordance with the more than one hundred twenty
5 existing sections of the Criminal Sentencing Act, including a
6 broad range of capital and noncapital offenses covering four
7 classes of felonies, two types of misdemeanors, enhanced
8 penalties and penalties for habitual offenders and a series of
9 fines ranging from five hundred dollars (\$500) to fifteen
10 thousand dollars (\$15,000); and

11 WHEREAS, the legislature for over thirty years has by law
12 conferred substantial discretionary authority to our courts and
13 to our prosecutors, including authority over plea bargaining,
14 sentencing, suspension and deferral of sentencing, probation and
15 the consideration of aggravating and mitigating circumstances;
16 and

17 WHEREAS, New Mexico is now the ninth most dangerous state
18 in the nation, the fourth highest in the country in arrests for
19 offenses against families and children and the seventh worst in
20 overall per capita crime with over one hundred thousand crimes
21 committed each year against our citizens; and

22 WHEREAS, every day violent and hateful crimes, such as
23 murder, rape and manslaughter, are committed against New
24 Mexicans from all walks of life, including citizens of all ages
25 and both sexes as well as citizens from all income classes with

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1 a wide variety of personal beliefs, social views and political
2 positions; and

3 WHEREAS, the legislature has always addressed the state's
4 crime problem by defining broad classes of crimes against "we
5 the people", not against classes of people based on a citizen's
6 color, religion, ancestry or other narrow classifications that
7 too often divide us and promote group consciousness,
8 divisiveness and victimization rather than the defense of a
9 criminal justice system that protects all citizens, compensates
10 all victims and punishes all criminals;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that it affirm and express its support and
13 confidence in our existing Criminal Code, the Criminal
14 Sentencing Act and our judicial system to protect our citizens,
15 bring the accused to justice and punish the guilty, including
16 perpetrators of "crimes of hate" based on a person's age, race,
17 color, nationality, ancestry, sexual orientation or
18 developmental disability; and

19 BE IT FURTHER RESOLVED that the legislature express its
20 confidence in our judicial system's ability not only to
21 determine guilt or innocence under existing substantive criminal
22 law, existing procedural law and existing court rules, but also
23 to fully assess the severity of the crime, evaluating the extent
24 of malice and brutality involved and then imposing punishment
25 accordingly; and

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BE IT FURTHER RESOLVED that it request the department of public safety in consultation with appropriate judicial authorities and law enforcement agencies to specifically review the adequacy of the Criminal Sentencing Act as it relates to noncapital felonies against persons and injuries to property and make recommendations to the legislature before December 15, 1996 regarding the need to make comprehensive changes to the Criminal Sentencing Act; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the secretary of public safety.