

## New Mexico Coalition against Domestic Violence Week Ending 1.28.12

On Friday the House Appropriations Committee did their semi-final mock up of HB2. We were successful in replacing the \$1 million in offender treatment money with general fund money, but not successful in obtaining an additional \$1 million. Rep. King the chair of the subcommittee for CYFD indicated that there was great resistance to increasing non big ticket items because the senate finance chair does not believe there is sufficient revenue. HB2 will go over to the Senate next week and we will try for an amendment in Senate Finance despite the reluctance for additional funding. The majority of the \$200 million appropriated in HB2 went to Medicaid, employee retirement, and public and higher education. HB2 will be voted out of House Appropriation on Monday.

There are a number of crime bills listed below many of which are of general interest. It is still not clear which of them are germane. As that is determined I will remove them from the list. We decided that the strangulation bill was a liability this session in the Senate and we should pull it. I will be happy to explain in person rather than email.

**\* denotes tracked bill for testimony - support or opposition**

- denotes information only - monitoring

<b>* HB20 - Uniform Interstate Enforcement of Domestic Violence Protection Orders</b>
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Bill Type    HB

Bill  
Number      20

Sponsors    Rep. Mimi Stewart (D)

Summary      (Identical to 2011 HB209) (For the Courts, Corrections and Justice Committee) Proposes adoption of a Uniform Interstate Enforcement of Domestic Violence Orders Act. Requires enforcement of foreign protection orders by New Mexico courts, including terms of relief that the New Mexico court might otherwise lack authority to provide. Foreign protection orders are those issued under domestic violence, family violence or anti-stalking laws of another state or an Indian Nation. If a court orders enforcement of the foreign order, New Mexico enforcement methods apply.

Analysis -    Analysis Type: Introduced, added 2011-12-17

All              (Identical to 2011 HB209) (For the Courts, Corrections and Justice Committee) Proposes adoption of a Uniform Interstate Enforcement of Domestic Violence Orders Act. Requires enforcement of foreign protection orders by New Mexico courts, including terms of relief that the New Mexico court might otherwise lack authority to provide. Foreign protection orders are those issued under domestic violence, family violence or anti-stalking laws of another state or an Indian Nation. If a court orders enforcement of the foreign order, New Mexico enforcement methods apply.

Provides that foreign protection orders are valid if they identify the protected individual and respondent, are currently in effect and were issued by a tribunal after the respondent was given notice and opportunity to be heard. A New Mexico tribunal may not enforce a foreign order from a state that does not recognize the standing of a protected individual to seek enforcement of the order. Prohibits enforcement of a mutual foreign order unless both parties filed written pleadings seeking protection and the tribunal made a specific finding that each party was entitled to the protective order. Provisions of a valid foreign order concerning child custody and visitation must

be enforced if the order was issued in accordance with jurisdictional requirements of the issuing state.

A New Mexico law enforcement officer must enforce foreign orders when there is probable cause to believe a valid foreign order exists. Presentation of an order to a law enforcement officer that identifies the parties and appears on its face to be in effect constitutes probable cause. If an order is not presented, the officer may seek and consider other information in determining whether there is probable cause that a valid order exists. If the foreign order has not been served upon the respondent, the officer must inform the respondent of the order, make a reasonable effort to serve the order, and allow the respondent a reasonable opportunity to comply with its terms before enforcing the order.

Registration of foreign orders in a New Mexico district court is accomplished by presenting a certified copy and supporting affidavit of the foreign court's order. The district court clerk forwards a copy to local law enforcement. However, registration is not a prerequisite for an order's enforcement. Prohibits publication on the Internet of the order or any related information if the publication would be likely to reveal the identity or location of the protected party. State agencies, courts or governmental entities may share such information in secure governmental registries in order to enforce the order.

Intro Date	2011-12-16
Last Action	01/24/2012 - H - Also referred to House Judiciary
Complete	12/16/2011 - H - Pre-filed in the House
History	01/18/2012 - H - Introduced and referred to House Rules [Listen] 01/24/2012 - H - Committee referrals changed 01/24/2012 - H - Referral withdrawn from House Rules 01/24/2012 - H - Referred to House Consumer and Public Affairs 01/24/2012 - H - Also referred to House Judiciary

#### - HB28 - Reserve Officer Act

Bill Type	HB
Bill Number	28
Sponsors	Rep. William Rehm (R)
Summary	(Identical to 2011 HB153 and SB174) Cited as the Reserve Officer Act, the bill sets out qualifications, training, certification, powers and duties for reserve officers who assist law enforcement agencies on a temporary, part-time or volunteer basis.
Analysis - All	Analysis Type: Introduced, added 2012-01-10 (Identical to 2011 HB153 and SB174) Cited as the Reserve Officer Act, the bill sets out qualifications, training, certification, powers and duties for reserve officers who assist law enforcement agencies on a temporary, part-time or volunteer basis.

**QUALIFICATIONS.** An applicant for certification must be a U.S. citizen who holds a high school diploma or its equivalent and a valid driver's license. The person must not have been convicted or pled nolo contendere to a felony charge or violation of any statute or ordinance relating to aggravated assault, theft, DUI or other offense involving moral turpitude within the three-year period immediately preceding the application. The applicant must not have received a dishonorable discharge from the armed forces and must be of good moral character and free from physical, emotional or mental conditions that might adversely affect performance.

TRAINING AND CERTIFICATION. The N.M. Law Enforcement Academy Board is required to adopt a basic training program for reserve officers. A reserve officer must complete fitness tests at 50 percent of the level required for a certified law enforcement officer. The training program may not exceed more than 500 hours of instruction and may be taught at locations designated by the head of a local law enforcement agency. Domestic abuse incident training must be included in the curriculum.

If an applicant furnishes evidence of satisfactory completion of a program that is substantially equivalent, the director of the Law Enforcement Academy is required to waive the basic training program. However, based on a review of the prior training, the director may require the applicant to complete certain areas of training. Those who began service as a reserve officer prior to July 1, 2012, are grandfathered-in at the director's discretion. A program of required in-service training must be completed to maintain certification. Provisions are set out for the refusal, suspension or revocation of certification.

POWERS AND DUTIES. A reserve officer has the powers of a police officer when working with supervision from a full-time, salaried, certified, on-duty officer. Powers and authority of a reserve officer extend only for the scope and duration of the officer's specific assignment. A reserve officer may make an arrest under the Motor Vehicle Code only when in uniform.

A certified reserve officer is covered under the state's Tort Claims Act when acting within the scope of duty.

Intro Date	2011-12-17
Last Action	01/18/2012 - H - Introduced and referred to House Rules [Listen]
Complete History	12/16/2011 - H - Pre-filed in the House 01/18/2012 - H - Introduced and referred to House Rules [Listen]

<b>- HB31 - Criminal Cases: Statute of Limitations</b>
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Bill Type	HB
Bill Number	31
Sponsors	Rep. William Rehm (R)
Summary	(Identical to 2011 HB152, HJC substitute) Sets the statute of limitations for commencing a first degree felony at 10 years from the time the crime was committed. Sets the statute of limitations for conspiracy and tampering with evidence at the same limitations time period for the degree of the felony prosecuted. Sets no limitation on the time when prosecution may be commenced for a capital felony or second-degree murder.
Analysis - All	Analysis Type: Introduced, added 2011-12-16 (Identical to 2011 HB152, HJC substitute) Sets the statute of limitations for commencing a first degree felony at 10 years from the time the crime was committed. Sets the statute of limitations for conspiracy and tampering with evidence at the same limitations time period for the degree of the felony prosecuted. Sets no limitation on the time when prosecution may be commenced for a capital felony or second-degree murder.
Intro Date	2011-12-17
Last Action	01/18/2012 - H - Introduced and referred to House Rules [Listen]
Complete History	12/16/2011 - H - Pre-filed in the House 01/18/2012 - H - Introduced and referred to House Rules [Listen]

**- HB32 - Abolishes Contiguous State Firearm Purchases**

Bill Type    HB  
Bill Number    32  
Sponsors    Rep. William Rehm (R)  
Summary    (Identical to 2011 HB148) (Identical to 2011 HB148) Makes New Mexico's gun control law compatible with the federal Gun Control Act concerning contiguous state provisions on firearm sales and purchases. Repeals Sec. 30-7-9 of the New Mexico Criminal Code which limits the purchase of firearms by New Mexico residents to their home state and contiguous states. The repeal would eliminate the restrictive language and enable New Mexico residents to purchase firearms in any state, whether contiguous to New Mexico or not; and residents of noncontiguous states would be enabled to purchase long guns in New Mexico.

Analysis - All    Analysis Type: Introduced, added 2011-12-16  
(Identical to 2011 HB148) (Identical to 2011 HB148) Makes New Mexico's gun control law compatible with the federal Gun Control Act concerning contiguous state provisions on firearm sales and purchases. Repeals Sec. 30-7-9 of the New Mexico Criminal Code which limits the purchase of firearms by New Mexico residents to their home state and contiguous states. The repeal would eliminate the restrictive language and enable New Mexico residents to purchase firearms in any state, whether contiguous to New Mexico or not; and residents of noncontiguous states would be enabled to purchase long guns in New Mexico.

(NMLR Note: Current federal law leaves the choice to the individual states. U.S. maps used by gun dealers contain various colors depicting what states have reciprocal laws. Residents in a green state can buy any firearm in any other green state. Residents in red states cannot buy out of state, then there is another color for states that allow long arms, but not handguns. The federal Gun Control Act was amended in 1986 to allow the sale of long guns to residents of any state, but many states have not yet amended their laws to reflect similar language.)

Intro Date    2011-12-17  
Last Action    01/18/2012 - H - Introduced and referred to House Rules [Listen]  
Complete History    12/16/2011 - H - Pre-filed in the House  
01/18/2012 - H - Introduced and referred to House Rules [Listen]

**- HB43 - Additional Serious Violent Felonies**

Bill Type    HB  
Bill Number    43  
Sponsors    Rep. Dennis J. Kintigh (R)  
Summary    (Identical to 2011 HB370) Adds to the list of violent felonies any convictions for attempts, solicitations and conspiracies to commit the felonies listed as "violent felonies" in Sec. 33-2-24(L)(4), thus limiting an inmate to earning only four days meritorious sentence reduction per month. Clarifies that meritorious deductions from a sentence are not available to those sentenced to life imprisonment without the possibility of release or parole.

Analysis -    Analysis Type: Introduced, added 2012-01-04

All (Identical to 2011 HB370) Adds to the list of violent felonies any convictions for attempts, solicitations and conspiracies to commit the felonies listed as “violent felonies” in Sec. 33-2-24(L)(4), thus limiting an inmate to earning only four days meritorious sentence reduction per month. Clarifies that meritorious deductions from a sentence are not available to those sentenced to life imprisonment without the possibility of release or parole.

Intro Date 2012-01-04

Last Action 01/26/2012 - H - Referred to House Judiciary [Listen]

Complete 01/04/2012 - H - Pre-filed in the House

History 01/18/2012 - H - Introduced and referred to House Rules [Listen]

01/26/2012 - H - Committee referrals changed

01/26/2012 - H - Referral withdrawn from House Rules [Listen]

01/26/2012 - H - Referred to House Consumer and Public Affairs [Listen]

01/26/2012 - H - Referred to House Judiciary [Listen]

All Hearings

**- HB44 - Increase Second-Degree Murder Penalty**

Bill Type HB

Bill Number 44

Sponsors Rep. Dennis J. Kintigh (R)

Summary (Identical to 2011 HB20) Increases the basic sentence for a second-degree murder conviction from 15 to 25 years.

Analysis - All Analysis Type: Introduced, added 2012-01-04  
(Identical to 2011 HB20) Increases the basic sentence for a second-degree murder conviction from 15 to 25 years.

Intro Date 2012-01-04

Last Action 01/18/2012 - H - Introduced and referred to House Rules [Listen]

Complete 01/04/2012 - H - Pre-filed in the House

History 01/18/2012 - H - Introduced and referred to House Rules [Listen]

**\* HB60 - Strangulation an Aggravated Battery Third-Degree Felony – We have asked this bill to be pulled**

Bill Type HB

Bill Number 60

Sponsors Rep. Ray Begaye (D)

Summary Adds strangulation to the list of elements that are grounds for being charged with aggravated battery or aggravated battery against a household member. Both are third-degree felonies. Defines strangulation as the compression of or application of pressure to a person's neck or throat that obstructs the person's blood flow or ability to breathe.

Analysis - All Analysis Type: Introduced, added 2012-01-13  
Adds strangulation to the list of elements that are grounds for being charged with aggravated battery or aggravated battery against a household member. Both are third-degree felonies. Defines strangulation as the compression of or application of pressure to a person's neck or throat that

obstructs the person's blood flow or ability to breathe.

Intro Date 2012-01-13  
Last Action 01/26/2012 - H - Referred to House Judiciary [Listen]  
Complete 01/13/2012 - H - Pre-filed in the House  
History 01/18/2012 - H - Introduced and referred to House Rules [Listen]  
01/26/2012 - H - Committee referrals changed  
01/26/2012 - H - Referral withdrawn from House Rules [Listen]  
01/26/2012 - H - Referred to House Consumer and Public Affairs [Listen]  
01/26/2012 - H - Referred to House Judiciary [Listen]

**- HB67 - National Background Check for Concealed Guns**

Bill Type HB  
Bill Number 67  
Sponsors Rep. Jimmie C. Hall (R)  
Summary Amends the Concealed Handgun Carry Act to require a National Instant Criminal Background Check for a concealed handgun license (reference is to the national system created by the federal Brady Handgun Violence Prevention Act). Applies to new and renewal licenses and requires that the background check include a report from the background check system. The criminal background check would be conducted by the Department of Public Safety, the state agency responsible for administering the act.  
Analysis - All Analysis Type: Introduced, added 2012-01-13  
Amends the Concealed Handgun Carry Act to require a National Instant Criminal Background Check for a concealed handgun license (reference is to the national system created by the federal Brady Handgun Violence Prevention Act). Applies to new and renewal licenses and requires that the background check include a report from the background check system. The criminal background check would be conducted by the Department of Public Safety, the state agency responsible for administering the act.  
For purposes of the act a concealed handgun means a loaded handgun that is not visible to the ordinary observations of a reasonable person. The term "handgun" means a firearm that will, is designed to, or may readily be converted to expel a projectile by the action of an explosion and the barrel length of which, not including a revolving, detachable or magazine breech, does not exceed 12 inches.  
Intro Date 2012-01-13  
Last Action 01/18/2012 - H - Introduced and referred to House Rules [Listen]  
Complete 01/13/2012 - H - Pre-filed in the House  
History 01/18/2012 - H - Introduced and referred to House Rules [Listen]

**- HB87 - Meritorious Sentence Reduction**

Bill Type HB  
Bill Number 87  
Sponsors Rep. Al Park (D)

Summary (Identical to 2011 HB325) Provides that homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs is a serious violent offense for the purpose of determining eligibility for earned meritorious sentence reduction. Under current law, an inmate convicted of a serious violent offense may earn a maximum of four days per month of time served.

Analysis - Analysis Type: Introduced, added 2012-01-18  
 All (Identical to 2011 HB325) Provides that homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs is a serious violent offense for the purpose of determining eligibility for earned meritorious sentence reduction. Under current law, an inmate convicted of a serious violent offense may earn a maximum of four days per month of time served.

Clarifies that meritorious deductions from a sentence are not available to those sentenced to life imprisonment without the possibility of release or parole.

Intro Date 2012-01-18

Last Action 01/18/2012 - H - Introduced and referred to House Rules [Listen]

Complete History 01/18/2012 - H - Introduced and referred to House Rules [Listen]

**- HB88 - Magistrate Court-Cost Awards to Nonprevailing Plaintiff**

Bill Type HB

Bill Number 88

Sponsors Rep. Roberto Gonzales (D)

Summary Authorizes a magistrate court to award the costs of service to a nonprevailing plaintiff when the defendant knew or should have known that a summons was served by certified mail, return receipt requested, but failed to acknowledge the service by mail. Applies only when the plaintiff had to pay for additional service by the sheriff or another person.

Analysis - Analysis Type: Introduced, added 2012-01-18  
 All Authorizes a magistrate court to award the costs of service to a nonprevailing plaintiff when the defendant knew or should have known that a summons was served by certified mail, return receipt requested, but failed to acknowledge the service by mail. Applies only when the plaintiff had to pay for additional service by the sheriff or another person.

The plaintiff must provide proof that the summons was sent by certified mail, return receipt requested, and is entitled to that cost in addition to the cost of the subsequent personal service.

Intro Date 2012-01-18

Last Action 01/18/2012 - H - Introduced and referred to House Rules [Listen]

Complete History 01/18/2012 - H - Introduced and referred to House Rules [Listen]

**\* HB103 - Social Security Number Required for Driver's License – the compromise bill we are supporting was amended into the original bill – now goes to House Judiciary**

Bill Type HB

Bill Number 103

Sponsors Rep. Andy Nunez (I)

Summary HLC substitute for HB103 has been compared line by line and is exactly the same as the original. The only change being that the bill, which was formerly sponsored by a host of Republican legislators, is now hosted by the House Labor and Human Resources Committee.

Analysis - Analysis Type: HLC Committee Report , added 2012-01-27  
 All HLC substitute for HB103 has been compared line by line and is exactly the same as the original. The only change being that the bill, which was formerly sponsored by a host of Republican legislators, is now hosted by the House Labor and Human Resources Committee.  
 Analysis Type: Introduced, added 2012-01-19  
 (Similar to 2011 HB78). Requires all applicants for driver's licenses to provide a social security number instead of either a social security number or a tax identification number.

Removes the authority of the Secretary of Taxation and Revenue to promulgate regulations which would allow for other documents to be accepted in lieu of the social security number. Strikes language allowing a foreign national, regardless of immigration status, to provide an individual tax identification number as a substitute for the social security number. Limits the duration of validity of a driver's license issued to a foreign national to his or her authorized period of stay in the U.S.

Intro Date 2012-01-19

Last Action **01/27/2012 - H - Reported Do Not Pass but Do Pass as substituted by House Labor and Human Resources**

Complete 01/19/2012 - H - Introduced and referred to House Labor and Human Resources [Listen]  
 History 01/19/2012 - H - Also referred to House Judiciary  
 01/27/2012 - H - Reported Do Not Pass but Do Pass as substituted by House Labor and Human Resources [Listen]  
 01/26/12 - House Labor and Human Resources Committee, 1:30 pm, *Room 309*

**- HB104 - AMBER Alert Modifications**

Bill Type HB

Bill Number 104

Sponsors Rep. Conrad D. James (R)

Summary Permits an authorized requester to declare an AMBER alert when the requestor has reason to believe that a child under 18 has been abducted. Current law conditions the request on information that the child was abducted by an "unrelated person." Similarly, an alert may be declared when the child is "believed to be" in imminent danger of serious bodily harm or death. (NMLR note: an "authorized requester" is a person so- designated by the chief of the NM State Police to implement AMBER alert notification plans.)

Analysis - Analysis Type: Introduced, added 2012-01-19  
 All Permits an authorized requester to declare an AMBER alert when the requestor has reason to believe that a child under 18 has been abducted. Current law conditions the request on information that the child was abducted by an "unrelated person." Similarly, an alert may be declared when the child is "believed to be" in imminent danger of serious bodily harm or death. (NMLR note: an "authorized requester" is a person so- designated by the chief of the NM State Police to implement AMBER alert notification plans.)

Intro Date 2012-01-19

Last Action 01/19/2012 - H - Also referred to House Judiciary

Complete 01/19/2012 - H - Introduced and referred to House Consumer and Public Affairs [Listen]  
 History 01/19/2012 - H - Also referred to House Judiciary



All  
Hearings

\* **HB121 - Service Member Child Custody Act**

Bill Type HB

Bill  
Number 121

Sponsors Rep. Thomas A. Garcia (D)

Summary (Identical to 2011 HB108) (For the Military and Veterans' Affairs Committee) Proposes a Service Member Child Custody Act that would modify existing procedures for custody, time-sharing or visitation orders for children of service members and prohibit the entry of final modifications or orders while the service member is absent pursuant to military orders. Permits a service member to delegate visitation rights. Provides for an expedited hearing, including electronic testimony, when the service member will be unavailable pursuant to military orders.

Analysis - Analysis Type: Introduced, added 2012-01-19  
All (Identical to 2011 HB108) (For the Military and Veterans' Affairs Committee) Proposes a Service Member Child Custody Act that would modify existing procedures for custody, time-sharing or visitation orders for children of service members and prohibit the entry of final modifications or orders while the service member is absent pursuant to military orders. Permits a service member to delegate visitation rights. Provides for an expedited hearing, including electronic testimony, when the service member will be unavailable pursuant to military orders.

Deployment or the potential for future deployment may not in itself be used to show a substantial and material change affecting the welfare of a child. A court may issue a temporary order, which terminates no more than 10 days after the end of the deployment, modifying existing custody, time-sharing or visitation to make a reasonable accommodation for the child because of a parent's deployment. The court may not terminate a temporary order if either parent files an urgency or expedited motion alleging an immediate danger or irreparable harm to the child if the terms of the existing order are reinstated.

The non-deploying parent must provide the court and the other parent with 30 days advance written notice of any change of address or telephone number. The deploying parent must provide a copy of the deployment orders, including leave orders, to the other parent within 10 days of receiving them. If the deploying parent receives less than 10 days advance notice of orders, notification must be given to the other parent immediately upon their receipt.

Upon a motion of a deploying parent or family member with the consent of the deploying parent, a court may issue a temporary order delegating all or part of the deploying parent's visitation rights to a family member with a close and substantial relationship to the child. Such an order terminates by operation of law at the end of the parent's deployment.

Intro Date 2012-01-19

Last  
Action 01/26/2012 - H - Referred to House Judiciary [Listen]

Complete 01/19/2012 - H - Introduced and referred to House Rules [Listen]

History 01/26/2012 - H - Referral withdrawn from House Rules [Listen]  
01/26/2012 - H - Referred to House Judiciary [Listen]

All  
Hearings 01/30/12 - House Judiciary Committee, 1:30 pm, *Room 309*

- **HB125 - Disclosure of Child Abuse Records to Federal and Tribal Authorities**

Bill Type HB  
 Bill Number 125  
 Sponsors Rep. James Roger Madalena (D)  
 Summary Includes federal and tribal social services agencies among the list of people and groups to which records relating to child abuse or neglect proceedings may be disclosed. Also prohibits any agency, person or institution from re-releasing records related to abuse or neglect proceedings without proper consent or as provided by law.  
 Analysis - All Analysis Type: Introduced, added 2012-01-19  
 Includes federal and tribal social services agencies among the list of people and groups to which records relating to child abuse or neglect proceedings may be disclosed. Also prohibits any agency, person or institution from re-releasing records related to abuse or neglect proceedings without proper consent or as provided by law.  
 Intro Date 2012-01-19  
 Last Action 01/24/2012 - H - Referred to House Judiciary  
 Complete 01/19/2012 - H - Introduced and referred to House Rules [Listen]  
 History 01/24/2012 - H - Referral withdrawn from House Rules  
 01/24/2012 - H - Referred to House Judiciary  
 All Hearings 01/27/12 - House Judiciary Committee, 1:30 pm, *Room 309*

**- HB128 - Criminal Sexual Penetration of a Child; Statute of Limitations**

Bill Type HB  
 Bill Number 128  
 Sponsors Rep. Thomas A. Garcia (D)  
 Summary (Identical to 2011 HB363) Criminal sexual penetration of a child less than 13 year old becomes a first-degree felony. Under current law, it is a first-degree felony only when committed with the intent to kill or with a depraved mind regardless of human life. Removes statute of limitations for prosecution of any first-degree felony. Current law requires that no time limitation to initiate prosecution applies only to violent first degree felonies.  
 Analysis - All Analysis Type: Introduced, added 2012-01-24  
 (Identical to 2011 HB363) Criminal sexual penetration of a child less than 13 year old becomes a first-degree felony. Under current law, it is a first-degree felony only when committed with the intent to kill or with a depraved mind regardless of human life. Removes statute of limitations for prosecution of any first-degree felony. Current law requires that no time limitation to initiate prosecution applies only to violent first degree felonies.  
 Intro Date 2012-01-19  
 Last Action 01/19/2012 - H - Introduced and referred to House Rules [Listen]  
 Complete History 01/19/2012 - H - Introduced and referred to House Rules [Listen]

**\* HB145 - Strangulation an Aggravated Battery Third-Degree Felony – Our original bill and sponsor – asking to pull bill**

Bill Type HB  
Bill Number 145  
Sponsors Rep. Al Park (D)  
Summary (Identical to HB60) Adds strangulation to the list of elements that are grounds for being charged with aggravated battery or aggravated battery against a household member. Both are third-degree felonies. Defines strangulation as the compression of or application of pressure to a person's neck or throat that obstructs the person's blood flow or ability to breathe.  
Analysis - All Analysis Type: Introduced, added 2012-01-23  
(Identical to HB60) Adds strangulation to the list of elements that are grounds for being charged with aggravated battery or aggravated battery against a household member. Both are third-degree felonies. Defines strangulation as the compression of or application of pressure to a person's neck or throat that obstructs the person's blood flow or ability to breathe.  
Intro Date 2012-01-23  
Last Action 01/25/2012 - H - Referred to House Consumer and Public Affairs [Listen]  
Complete 01/23/2012 - H - Introduced and referred to House Rules [Listen]  
History 01/25/2012 - H - Referral withdrawn from House Rules [Listen]  
01/25/2012 - H - Referred to House Consumer and Public Affairs [Listen]  
01/25/2012 - H - Also referred to House Judiciary [Listen]

**- HB150 - Earned Meritorious Sentence Deductions**

Bill Type HB  
Bill Number 150  
Sponsors Rep. Antonio Maestas (D)  
Summary Adds conviction for attempt to commit murder in the first or second degree, in violation of Secs. 30-2-1 or 30-28-1, to the list of "serious violent offenses" affecting an inmate's eligibility for earned meritorious sentence deductions.  
Analysis - All Analysis Type: Introduced, added 2012-01-23  
Adds conviction for attempt to commit murder in the first or second degree, in violation of Secs. 30-2-1 or 30-28-1, to the list of "serious violent offenses" affecting an inmate's eligibility for earned meritorious sentence deductions.  
Intro Date 2012-01-23  
Last Action 01/26/2012 - H - Also referred to House Judiciary [Listen]  
Complete 01/23/2012 - H - Introduced and referred to House Rules [Listen]  
History 01/26/2012 - H - Referral withdrawn from House Rules [Listen]  
01/26/2012 - H - Referred to House Consumer and Public Affairs [Listen]  
01/26/2012 - H - Also referred to House Judiciary [Listen]

**- HB152 - Sentencing Commission: Criminal Law Impacts**

Bill Type HB  
Bill Number 152  
Sponsors Rep. Joseph Cervantes (D)

Summary Requires the NM Sentencing Commission to prepare a fiscal impact statement for any proposed legislation that creates a new crime or repeals an existing crime that includes a prison term, increases or decreases the period of confinement authorized for an existing crime, imposes or removes mandatory minimum terms of imprisonment, or modifies a law governing release of inmates in such a way that the time served in prison will increase or decrease.

Analysis - All Analysis Type: Introduced, added 2012-01-23  
Requires the NM Sentencing Commission to prepare a fiscal impact statement for any proposed legislation that creates a new crime or repeals an existing crime that includes a prison term, increases or decreases the period of confinement authorized for an existing crime, imposes or removes mandatory minimum terms of imprisonment, or modifies a law governing release of inmates in such a way that the time served in prison will increase or decrease.

Further requires that the amount estimated in a fiscal impact statement be printed in the title of such a proposed bill and included as a one-year appropriation from the general fund to a newly-created, nonreverting Criminal Justice Special Fund. Money in the special fund is subject to appropriation by the Legislature for criminal justice purposes, including operational costs of the corrections department, courts, district attorneys and the Public Defender Department. If the commission is not able to project the fiscal impact, the words "costs cannot be determined" must be printed in the title of a proposed bill affecting sentencing.

Appropriates \$175,000 (GF) to the commission for FY 2013 use for salaries, benefits and other costs related to the preparation of fiscal impact statements that are required by the bill.

Intro Date 2012-01-23

Last Action 01/23/2012 - H - Introduced and referred to House Judiciary [Listen]

Complete History 01/23/2012 - H - Introduced and referred to House Judiciary [Listen]

01/23/2012 - H - Also referred to House Appropriations and Finance

All Hearings 01/27/12 - House Judiciary Committee, 1:30 pm, *Room 309*

**\* HB153 - Uniform Child Abduction Prevention Act**

Bill Type HB

Bill Number 153

Sponsors Rep. Joseph Cervantes (D)

Summary (Identical to 2011 HB56) cited as the Uniform Child Abduction Prevention Act, the bill sets forth procedures by which a court, an interested party, or a state agent may protect against child abduction in cases of dispute. Contemplates reciprocity among all states in the U.S., the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the U.S. Also includes a federally recognized Indian nation, tribe or pueblo.

Analysis - All Analysis Type: Introduced, added 2012-01-23  
(Identical to 2011 HB56) cited as the Uniform Child Abduction Prevention Act, the bill sets forth procedures by which a court, an interested party, or a state agent may protect against child abduction in cases of dispute. Contemplates reciprocity among all states in the U.S., the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the U.S. Also includes a federally recognized Indian nation, tribe or pueblo.

Any court with jurisdiction to determine custody of the child or any New Mexico court where the evidence supports a credible risk of abduction has jurisdiction to enter an abduction prevention order. The order may include restrictions on the child's travel, provision of information to the court, restrictions upon visitation and contact with the child, surrender of the child's passport, the

requirement of performance bonds and other similar measures. The court may prevent an imminent abduction by a issuing an ex parte warrant to take physical custody of the child.

Intro Date 2012-01-23  
Last Action 01/23/2012 - H - Introduced and referred to House Rules [Listen]  
Complete History 01/23/2012 - H - Introduced and referred to House Rules [Listen]

**- HB164 - DA and PD Funds; Second Degree Murder, Manslaughter Penalties**

Bill Type HB  
Bill Number 164  
Sponsors Rep. Antonio Maestas (D)  
Summary (Identical to 2011 HB464) Increases the basic sentence for conviction of second degree murder from 15 to 20 years, voluntary manslaughter from six to 10 years and involuntary manslaughter from 18 months to three years. Authorizes a fine of up to \$10,000 for a voluntary manslaughter conviction and \$5,000 for involuntary manslaughter.  
Analysis - All Analysis Type: Introduced, added 2012-01-24  
(Identical to 2011 HB464) Increases the basic sentence for conviction of second degree murder from 15 to 20 years, voluntary manslaughter from six to 10 years and involuntary manslaughter from 18 months to three years. Authorizes a fine of up to \$10,000 for a voluntary manslaughter conviction and \$5,000 for involuntary manslaughter.  
  
Appropriates \$1.8 million (GF) to district attorneys and the public defender for FY2012 expense increases in operational costs as a result of the increased penalties. \$900,000 is allocated to the Public Defender Department; \$100,000 each to district attorney offices in the First, Second, Third and Thirteenth Districts; \$50,000 each to the remaining DA offices, including both divisions of the Eleventh District.  
Intro Date 2012-01-24  
Last Action 01/24/2012 - H - Introduced and referred to House Judiciary [Listen]  
Complete History 01/24/2012 - H - Introduced and referred to House Judiciary [Listen]  
01/24/2012 - H - Also referred to House Appropriations and Finance  
All Hearings 01/30/12 - House Judiciary Committee, 1:30 pm, *Room 309*

**- HB183 - Increased Penalties for Crimes Against Children**

Bill Type HB  
Bill Number 183  
Sponsors Rep. Al Park (D)  
Summary Increases penalties for four crimes in the Criminal Code and one crime in the Vehicle Code when the victim of the crime is under 18 years of age. The affected crimes are: abandonment or abuse of a child, criminal sexual penetration, criminal sexual contact of a minor, aggravated indecent exposure, and homicide or great bodily injury by vehicle.  
Analysis - Analysis Type: Introduced, added 2012-01-24

All Increases penalties for four crimes in the Criminal Code and one crime in the Vehicle Code when the victim of the crime is under 18 years of age. The affected crimes are: abandonment or abuse of a child, criminal sexual penetration, criminal sexual contact of a minor, aggravated indecent exposure, and homicide or great bodily injury by vehicle.

Increases the penalty for a person who commits abuse of a child that does not result in the child's death or great bodily harm from a third to a second degree felony for the first offense, and from a second to a first degree felony for second and subsequent offenses. Increases the penalty for intentional abuse of a child resulting in death of the child by striking language which allows a lesser penalty when the victim is aged 12-18, and providing instead that regardless of the child's age the perpetrator is guilty of a first degree felony resulting in the death of a child.

Current law provides that criminal sexual penetration is a first degree felony when perpetrated on a child under 13, and a second degree felony when any force or coercion is used on a child aged 13-18. The bill adds language providing that a second degree felony also occurs when the victim is aged 13-18 and the perpetrator is in a position of authority over the child, and uses this authority to coerce the child to submit.

Strikes language in the criminal sexual contact of a minor statute that requires the perpetrator to have used force or violence that results in personal injury to a child victim aged 13-18. The bill provides that criminal sexual contact of a minor aged 13-18 occurs where the perpetrator uses any sort of force or violence, irrespective of whether it results in personal injury. Penalty provisions for the violations are a second degree felony (unclothed intimate parts) or a third degree felony (clothed intimate parts). Provides that fourth degree criminal sexual contact of a minor occurs when the victim is aged 13-16 (current law is 13-18) and the perpetrator is at least 18 years of age and at least four years older than the child and not the spouse of the child. Deletes confusing language in the fourth degree felony criminal sexual contact provisions related to crimes committed by school employees who discover their child victims as a part of their employment.

Adds a paragraph to the crime of aggravated indecent exposure to provide that not just any intentional exposure of a person's primary genital area to a child under 18 will constitute the crime, but only exposure done in a lewd and lascivious manner by a perpetrator at least 18 and at least four years older than the child and not the child's spouse. Penalty for the crime of aggravated indecent exposure is increased from a fourth degree felony to a third degree felony when the victim is a child.

Provides that where the victim of a homicide by vehicle or great bodily injury by vehicle is a child under 18, the penalty will be increased from a third degree felony to a second degree felony. Clarifies that violation of a speeding law does not automatically constitute a reckless driving infraction which could serve as the basis for a homicide by vehicle or great bodily injury by vehicle charge. Provides that causing death or great bodily injury while fleeing in a vehicle from law enforcement officers will be a second degree felony rather than a third degree felony when the victim is under the age of 18.

Intro Date	2012-01-24
Last Action	01/25/2012 - H - Also referred to House Judiciary [Listen]
Complete History	01/24/2012 - H - Introduced and referred to House Rules [Listen] 01/25/2012 - H - Referral withdrawn from House Rules [Listen] 01/25/2012 - H - Referred to House Consumer and Public Affairs [Listen] 01/25/2012 - H - Also referred to House Judiciary [Listen]

\* **HB214 - Civil Action Limits: Arising from Childhood Sex Offenses**

Bill Type HB  
 Bill Number 214  
 Sponsors Sen. Lisa K. Curtis (D)  
 Rep. Al Park (D)  
 Summary (Related to HB215, SB155) Raises the time limit that an action for damages based on personal injury caused by childhood sexual abuse may be commenced. Present law Sec. 37-1-30 requires that the action be brought by the plaintiff's 25th birthday or three years from the date of the time that a person knew or had reason to know of the childhood sexual abuse resulting in an injury, as established by competent medical or psychological testimony. The bill extends this time period to the potential plaintiff's 50th birthday.  
 Analysis - Analysis Type: Introduced, added 2012-01-26  
 All (Related to HB215, SB155) Raises the time limit that an action for damages based on personal injury caused by childhood sexual abuse may be commenced. Present law Sec. 37-1-30 requires that the action be brought by the plaintiff's 25th birthday or three years from the date of the time that a person knew or had reason to know of the childhood sexual abuse resulting in an injury, as established by competent medical or psychological testimony. The bill extends this time period to the potential plaintiff's 50th birthday.  
 Intro Date 2012-01-26  
 Last Action 01/26/2012 - H - Introduced and referred to House Rules  
 Complete History 01/26/2012 - H - Introduced and referred to House Rules

**- HB215 - Criminal Action Time Limits: Sex Offenses Against Children**

Bill Type HB  
 Bill Number 215  
 Sponsors Sen. Lisa K. Curtis (D)  
 Rep. Al Park (D)  
 Summary (Identical to SB155) Provides that the statute of limitations for commencing a prosecution begins to run when the alleged victim of specified sex offenses against children obtains the age of 50 or the violation is reported to a law enforcement agency, whichever occurs first. Under current law Sec. 30-1-9.1, the statute begins to run when the alleged victim obtains the age of 18 or the violation is reported to a law enforcement agency. Applies to abandonment or abuse of a child, criminal sexual penetration and criminal sexual contact of a minor.  
 Analysis - Analysis Type: Introduced, added 2012-01-26  
 All (Identical to SB155) Provides that the statute of limitations for commencing a prosecution begins to run when the alleged victim of specified sex offenses against children obtains the age of 50 or the violation is reported to a law enforcement agency, whichever occurs first. Under current law Sec. 30-1-9.1, the statute begins to run when the alleged victim obtains the age of 18 or the violation is reported to a law enforcement agency. Applies to abandonment or abuse of a child, criminal sexual penetration and criminal sexual contact of a minor.  
 Intro Date 2012-01-26  
 Last Action 01/26/2012 - H - Introduced and referred to House Rules [Listen]  
 Complete History 01/26/2012 - H - Introduced and referred to House Rules [Listen]

All  
Hearings

**- HB218 - Metro Court Funds: Bond Background Investigations**

Bill Type    HB  
Bill  
Number      218  
Sponsors    Rep. William Rehm (R)  
Summary      (Endorsed by the Courts, Corrections and Justice Committee) Appropriates \$159,800 (GF) to the Bernalillo County Metropolitan Court to hire staff to perform comprehensive background investigations of defendants posting bond at that court or the Metropolitan Detention Center, or responding to criminal summonses at the Bernalillo County Metropolitan Court.  
Analysis -    Analysis Type: Introduced, added 2012-01-26  
All            (Endorsed by the Courts, Corrections and Justice Committee) Appropriates \$159,800 (GF) to the Bernalillo County Metropolitan Court to hire staff to perform comprehensive background investigations of defendants posting bond at that court or the Metropolitan Detention Center, or responding to criminal summonses at the Bernalillo County Metropolitan Court.  
Intro Date    2012-01-26  
Last  
Action        01/26/2012 - H - Introduced and referred to House Judiciary [Listen]  
Complete     01/26/2012 - H - Introduced and referred to House Judiciary [Listen]  
History       01/26/2012 - H - Also referred to House Appropriations and Finance  
All  
Hearings      01/30/12 - House Judiciary Committee, 1:30 pm, *Room 309*

**- HB236 - Sex Offender Registration and Notification Act**

Bill Type    HB  
Bill  
Number      236  
Sponsors    Rep. Antonio Maestas (D)  
Summary      (Related to HB179, 2011 HB298) The 44-page bill amends the Sex Offender Registration and Notification Act by establishing, as does HB179, three tiers of sex offenses and registration periods. Also increases registration requirements, expands the definition of "sex offender" and provides for additional information on the sex offender Internet website. Requires registration and renewal to be made with the NM State Police rather than the appropriate county sheriff. Specifies some reductions of registration terms. [NMLR Note: The devil is in the details, and the details of HB179 and HB236 are different. Those with a special interest in the subject matter should compare the bills and NMLR analyses.]  
Analysis -    Analysis Type: Introduced, added 2012-01-27  
All            (Related to HB179, 2011 HB298) The 44-page bill amends the Sex Offender Registration and Notification Act by establishing, as does HB179, three tiers of sex offenses and registration periods. Also increases registration requirements, expands the definition of "sex offender" and provides for additional information on the sex offender Internet website. Requires registration and renewal to be made with the NM State Police rather than the appropriate county sheriff. Specifies some reductions of registration terms. [NMLR Note: The devil is in the details, and the details of HB179 and HB236 are different. Those with a special interest in the subject matter should compare the bills and NMLR analyses.]



**TIERS OF OFFENSES.** Creates three tiers of sex offense convictions under New Mexico law or equivalent laws in other jurisdictions. The relevant state or federal statutes are enumerated, as are the date of a conviction's applicability.

Tier I - false imprisonment with intent to inflict a sexual offense; sexual exploitation of children; criminal sexual contact in the fourth degree; aggravated indecent exposure; child solicitation by electronic communication device; attempts to commit any of the preceding crimes; federal convictions for sex trafficking of children by force, fraud or coercion; misleading domain names on the Internet; misleading words or digital images on the Internet; travel with intent to engage in illicit sexual conduct; engaging in illicit sexual conduct in foreign places; failure to file a factual statement about an alien individual; and use of interstate facilities to transmit information about a minor.

Tier II – sexual exploitation of children; sexual exploitation of children by prostitution; enticement of the child; patronizing, a prostitute, promoting prostitution or accepting earnings of the prostitute when there is a separate finding of fact that the offender knew or should have known that the person believed to be a prostitute was less than 16; fourth degree criminal sexual penetration (CSP); criminal sexual contact of a minor when the victim is 13 to 18; incest when the victim is over 16 but less than 18; criminal sexual communication with the child; human trafficking for sexual purpose when the victim is less than 16; child solicitation by electronic communication device; solicitation to commit criminal sexual contact of a minor; attempts to commit any of the preceding offenses.

Tier III – kidnapping with intent to inflict a sexual offense; aggravated CSP or CSP in the first, second or third degree; CSP in the fourth degree when the victim is under 16; criminal sexual contact of a minor when the victim is under 13; incest when the victim is under 16; attempts to commit any of the preceding offenses.

A Tier I offender must renew sex offender registration annually for 15 years; a Tier II offender must renew registration every six months for 25 years; a Tier III offender must renew registration every 90 days for the remainder of the offender's natural life. Registrations and renewals are made with the state police. DPS is required to retain registration information for the same period that it is required for each Tier.

**ADDITIONAL REGISTRATION INFORMATION AND REQUIREMENTS.** When registering, sex offenders must provide the following information in addition to the current requirements of Sec. 29-11A-4:

- current physical and mailing address and the address of every place where the offender habitually lives ("habitually lives" is defined as any place where the offender lives for at least 30 days in any 365-day period);
- names, e-mail addresses, monikers or other self identifiers used in Internet communications or postings or on social networking sites (to be used only for law enforcement purposes);
- telephone numbers;
- professional licenses;
- license plate or other identifier in the description of any vehicle owned or primarily operated by the offender, including aircraft watercraft;
- name and address of any school or institution of higher education that the offender is attending;
- and
- copies of passport and immigration documents.

An offender is required to register with the state police no later than three business days after being released from custody or arriving in New Mexico from another jurisdiction with the intent to establish residence. When incarcerated for more than 10 consecutive days, a registered offender must report to the state police no later than seven days after being released.

An offender who was registered in New Mexico prior to the effective date of the proposed legislation must register for the lesser duration of time required by either the new statute or the statute that was in effect at the time of the initial registration. At least 15 days prior to the time an offender is required to verify registration information, DPS must send a verification form to the individual. The offender is required to appear in person at the location designated by the state police to verify the information contained on the form or to make changes, if applicable. At that time, the state police may photograph the offender if the person's appearance is significantly different from the photograph already in the file. An offender who does not receive a verification form is nevertheless required to verify registration at the location designated by the state police. DPS is required to establish a secure system that will permit an offender to notify the department electronically of any change in registration information.

An offender's registration in New Mexico must be reduced by any period of time the offender registered in another jurisdiction prior to registering in New Mexico, or was on probation or parole in New Mexico for a sex offense. The offender must apply to DPS for registration credit, which must be granted upon receipt of verifying documentation of compliance.

A Tier I offender's registration term must be reduced to 10 years if the offender who is required to register complied with registration requirements for 10 years, has not been convicted of a felony offense or a sex offense, and has successfully completed, without revocation, any period of supervised release, probation or parole.

**FOREIGN CONVICTIONS.** Adds to all definitions of "sex offender" a person who has been convicted pursuant to the law of a foreign nation that the U.S. Department of State, in its country reports on human rights practices, concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that nation during the year in which the conviction occurred.

**FEDERAL CONVICTIONS.** All of the federal crimes enumerated as Tier I offenses are expressly added to the definition of "sex offense." [NMLR Note: these are crimes for which there may not be a New Mexico equivalent.]

**INTERNET WEBSITE.** DPS is required to manage an Internet website that provides the public only with the following offender registration information:

- legal name and any other names or aliases that the offender is using or has used;
- current address and the address of every place where the offender habitually lives;
- address of the offender's place of employment if such employment requires the offender to have unsupervised contact with children under 16;
- sex offenses of which the offender has been convicted;
- photograph of the offender;
- date of birth; and
- physical description, including tattoos, scars or other distinguishing features.

**STATE PREEMPTION.** Prohibits all political subdivisions of the state from adopting or continuing in effect any registration and notification provision and from imposing any other restriction on sex offenders that is not included in the state act. Law enforcement agencies may not require a sex offender to report, register more frequently or provide more information than required by the state act.

**NOTIFICATIONS BY DISTRICT ATTORNEY OF INTENT TO PROSECUTE.** Removes a provision of current law requiring a district attorney to notify an individual before commencing a prosecution for child solicitation by electronic communicating device or criminal sexual communication with a child.

**APPLICABILITY.** Unless otherwise specified, the Sex Offender Registration and Notification Act

applies to a person convicted of a sex offense on or after July 1, 2005 and a person convicted of a sex offense prior to July 1, 2005 who, on that date, was still incarcerated, on probation or on parole for commission of that sex offense.

Intro Date 2012-01-27  
Last Action 01/27/2012 - H - Introduced and referred to House Rules [Listen]  
Complete History 01/27/2012 - H - Introduced and referred to House Rules [Listen]

**\* HB244 - Guest Driver's Permits for Undocumented Persons – Not a bill we would support**

Bill Type HB  
Bill Number 244  
Sponsors Rep. David C. Chavez (R)  
Summary Provides that foreign national applicants for New Mexico driver's licenses must have documentation issued by the federal government authorizing the applicant's presence in the United States. Persons without such documentation are not eligible for a driver's license or permit. Driver's licenses previously issued to foreign nationals who did not provide valid federal documentation shall all expire on December 31, 2012, even those with a different expiration date on the license. Foreign nationals holding such licenses may surrender them and apply for a guest driver's permit.

Analysis - All Analysis Type: Introduced, added 2012-01-27  
Provides that foreign national applicants for New Mexico driver's licenses must have documentation issued by the federal government authorizing the applicant's presence in the United States. Persons without such documentation are not eligible for a driver's license or permit. Driver's licenses previously issued to foreign nationals who did not provide valid federal documentation shall all expire on December 31, 2012, even those with a different expiration date on the license. Foreign nationals holding such licenses may surrender them and apply for a guest driver's permit.

Authorizes issuance of a "guest driver's permit" to "undocumented guests," defined as noncitizen residents of New Mexico who are at least 18 and do not have a social security number or federal documentation authorizing their presence in the country, but do have a valid taxpayer identification number or suitable substitute. Guest driver's permits may be issued to undocumented guests who meet other driver's license requirements, as long as the applicants are free from felony convictions (fingerprint-supported background check required) and pass a drug test administered at their own expense by an approved testing facility.

A guest driver's permit is valid only for driving privileges and identification in New Mexico and is not proof of valid presence in the United States. The permit is subject to provisions of the Motor Vehicle Code. It is valid for a term of one year and may be renewed for one-year terms without a driving test. A \$35 fee is charged for issuance or renewal.

The bill also adds language to Sec. 66-5-9 to provide that all applications for driver's licenses or permits must contain the place of birth of the applicant, in addition to date of birth, sex, social security or individual tax identification number, full name and New Mexico residence address.

Intro Date 2012-01-27  
Last Action 01/27/2012 - H - Introduced and referred to House Rules [Listen]  
Complete 01/27/2012 - H - Introduced and referred to House Rules [Listen]

## History

### - HB247 - Meritorious Deductions for Violent Offenders

Bill Type	HB
Bill Number	247
Sponsors	Rep. Zachary J. Cook (R)
Summary	(Executive Message #111) Adds convictions for the crimes of first degree murder and abuse of a child that results in death or great bodily harm to the list of serious violent offenses for the purpose of calculating earned meritorious sentence deductions pursuant to Sec. 33-2-34.
Analysis - All	Analysis Type: Introduced, added 2012-01-27 (Executive Message #111) Adds convictions for the crimes of first degree murder and abuse of a child that results in death or great bodily harm to the list of serious violent offenses for the purpose of calculating earned meritorious sentence deductions pursuant to Sec. 33-2-34.
Intro Date	2012-01-27
Last Action	01/27/2012 - H - Introduced and referred to House Consumer and Public Affairs [Listen]
Complete History	01/27/2012 - H - Introduced and referred to House Consumer and Public Affairs [Listen] 01/27/2012 - H - Also referred to House Judiciary
All Hearings	

### - HJR3 - Granting and Denial of Bail, CA

Bill Type	HJR
Bill Number	3
Sponsors	Rep. Dennis J. Kintigh (R)
Summary	(Similar to 2011 HJR20) Proposes an amendment to Article 2, Section 13 of the state Constitution to change criteria used by a court when considering bail in criminal cases. Removes awkward language regarding conditions of bail and authorizes a court to grant or deny bail based on four criteria: flight risk, the nature and seriousness of the offense, the danger posed to the community, and other factors as provided by law.
Analysis - All	Analysis Type: Introduced, added 2012-01-10 (Similar to 2011 HJR20) Proposes an amendment to Article 2, Section 13 of the state Constitution to change criteria used by a court when considering bail in criminal cases. Removes awkward language regarding conditions of bail and authorizes a court to grant or deny bail based on four criteria: flight risk, the nature and seriousness of the offense, the danger posed to the community, and other factors as provided by law.
	The proposed amendment would be submitted to the voters for approval or rejection at the next general or special election.
Intro Date	2012-01-04
Last Action	01/18/2012 - H - Introduced and referred to House Voters and Elections [Listen]
Complete History	01/04/2012 - H - Pre-filed in the House 01/18/2012 - H - Introduced and referred to House Voters and Elections [Listen]

01/18/2012 - H - Also referred to House Judiciary  
All Hearings 01/24/12 - House Voters and Elections Committee, 8:00 am, *Room 305*

**\* SB2 - Criminal Record Expungement Act – opposed**

Bill Type SB  
Bill Number 2  
Sponsors Sen. Michael S. Sanchez (D)  
Summary Similar to 2011 SB 389) Sets out procedures for expunging a criminal record arising from identity theft, wrongful arrest, release without conviction and following conviction. The provisions, which would be effective January 1, 2013, are not intended to affect or otherwise infringe on the expungement provisions of Sec. 29-3-8.1.  
Analysis - All Analysis Type: Introduced, added 2012-01-10  
Similar to 2011 SB 389) Sets out procedures for expunging a criminal record arising from identity theft, wrongful arrest, release without conviction and following conviction. The provisions, which would be effective January 1, 2013, are not intended to affect or otherwise infringe on the expungement provisions of Sec. 29-3-8.1.

A person who is a victim of identity theft or is wrongfully arrested, indicted or charged for any crime may petition a district court for an order to expunge arrest records and public records. Upon a showing of identity theft or wrongful arrest, the court shall order expungement within 30 days.

If a person is released without conviction for violation of a municipal ordinance, misdemeanor or felony, a district court may be petitioned within one year after the dismissal. Following a hearing, the court must expunge all arrest records and public records if it finds that no other charges are pending against the person and the petitioner was released without a conviction, including an acquittal or finding of not guilty, nolle prosequi, no bill, successful completion of a pre-prosecution diversion program or the proceedings were otherwise dismissed or discharged.

Following conviction of one or more misdemeanors or violations of a municipal ordinance arising out of one incident may petition a district court for expungement of the record. Certain conditions apply: the petitioner may not have other convictions after the completion of the sentence; following a hearing, the court must find that no other charges or proceeding is pending against the accused and that justice will be served by an order. If the conviction was for a misdemeanor, another charge or proceeding must not have occurred for a period of five years. If the conviction was for an offense involving domestic violence or abuse, no other charge must have occurred for 10 years. Expungement may not be issued for a crime committed against minors or children, a sex offense or an offense involving DUI.

When an expungement order is issued, the proceedings shall be treated as if they never occurred, and officials and the person who received the order to expunge may reply to an inquiry that no record exists with respect to the person. However, a law enforcement agency may maintain and use criminal history information for any lawful purpose.

Intro Date 2011-12-17  
Last Action 01/26/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
Complete History 12/16/2011 - S - Pre-filed in the Senate  
01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Public Affairs  
01/18/2012 - S - Also referred to Senate Judiciary

**\* SB11 - Campaign Finance: Independent Expenditure Reporting – Important bill because could affect a non profits ability to do grassroots advocacy**

Bill Type SB  
Bill Number 11  
Sponsors Sen. Peter Wirth (D)  
Summary (For the Courts, Corrections and Justice Committee) (Identical to 2011 SB547) Amends the Campaign Reporting Act to require reporting of independent campaign expenditures; requires disclaimers in campaign advertising; and redefines "political committee," "advertisement," "ballot measure," "campaign expenditure," "coordinated expenditure," "independent expenditure" and "Independent Expenditure Committee."  
Analysis - All Analysis Type: Introduced, added 2012-01-10  
(For the Courts, Corrections and Justice Committee) (Identical to 2011 SB547) Amends the Campaign Reporting Act to require reporting of independent campaign expenditures; requires disclaimers in campaign advertising; and redefines "political committee," "advertisement," "ballot measure," "campaign expenditure," "coordinated expenditure," "independent expenditure" and "Independent Expenditure Committee."

Requires a person who makes an independent campaign expenditure (not otherwise required to be reported under the act) to electronically report that expense to the Secretary of State within three days. The report must indicate the name and address of the persons making and receiving the expenditure and the amount and purpose of it. Also required is the name and address of every contributor of \$100 or more toward the expenditure.

Requires a person who makes an independent expenditure of \$300 or more for a campaign advertisement to ensure that it contains the name of the candidate, committee or person who authorized it; the name, address, phone number and web address of the person who paid for it. Requires the disclaimer to be legible or spoken clearly in an audio-visual transmission.

Redefines advertising as a communication referring to a candidate, ballot measure or election that is distributed to the public by print, broadcast, satellite, cable or electronic media. Includes recorded phone messages, printed material, handbills, mailers, signs and billboards, and that which can be seen or heard by at least 1,000 persons. Excluded from the definition of advertising is internal communications by a party or committee, corporation, labor union, other membership organization, or news stories and nonpartisan voter guides.

New definitions include: (1) "ballot measure" means a constitutional amendment or other ballot question submitted to the voter in an election; (2) "campaign expenditure" means a payment made by a campaign committee or candidate in an election; (3) "contribution" means a gift, loan, deposit or transfer of money to a candidate or committee for use in a campaign for election to public office; and (4) "independent expenditure committee" means an association of two or more persons who have expended \$2,000 or more in a calendar year for campaign purposes.

Intro Date 2011-12-15  
Last Action 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
Complete History 12/15/2011 - S - Pre-filed in the Senate  
01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Rules  
01/18/2012 - S - Also referred to Senate Judiciary

**\* SB12 - Elections: Public Finance Reporting Changes – Monitoring**

Bill Type	SB
Bill Number	12
Sponsors	Sen. Peter Wirth (D)
Summary	Makes changes in the Voter Action Act and Campaign Reporting Act by altering the mechanism for public funding of campaigns. Eliminated is the so-called seed money provision allowing candidates to collect contributions for the purposes of raising qualifying contributions and gathering nominating petition signatures.
Analysis - All	<p>Analysis Type: Introduced, added 2012-01-10</p> <p>Makes changes in the Voter Action Act and Campaign Reporting Act by altering the mechanism for public funding of campaigns. Eliminated is the so-called seed money provision allowing candidates to collect contributions for the purposes of raising qualifying contributions and gathering nominating petition signatures.</p> <p>Provides instead, that an applicant for public campaign financing may collect qualifying contributions of \$5.00 only from registered voters in the candidate's district during the qualifying period which runs from October 1 of the year preceding an election year through the third Tuesday of March of the election year. These contributions are payable to the Voter Action Fund.</p> <p>Candidates, once certified to receive public financing, are allowed to collect contributions of up to \$100 only from qualified electors of the candidate's district.</p> <p>The bill retains the initial distribution from the Voter Action Fund to qualified candidates based on the number of voters in the candidate's district, but changes the second distribution. The Secretary of State will distribute to a qualified candidate an amount equal to four times the amount of qualifying contributions collected by the candidate as an applicant candidate and as a certified candidate. This distribution will be made within three days after the certified candidate has filed the required campaign report.</p> <p>Public funds distributed to a certified candidate in an election cycle are limited to three times the amount of the initial distribution. No matching funds would be distributed to candidates in uncontested races.</p> <p>Extends the limitations on campaign expenditures and debt for a publicly financed candidate. It will now include the amount of money received from a political party. Repeals Sec. 1-19A-5 that sets forth the previous distribution system.</p>
Intro Date	2011-12-15
Last Action	01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]
Complete History	12/15/2011 - S - Pre-filed in the Senate 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen] 01/18/2012 - S - Also referred to Senate Rules 01/18/2012 - S - Also referred to Senate Judiciary 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]

**\* SB13 - Failure To Report Disappearance Or Death Of A Child - Monitoring**

Bill Type	SB
Bill Number	13
Sponsors	Sen. Stephen H. Fischmann (D)
Summary	A parent or guardian of a child under 18 years of age must notify a police officer or appropriate law enforcement agency of the disappearance of the child within 24 hours from when the parent or guardian new or should have known that the child was missing. A notification to police authorities must be made by the parent or guardian within one hour when a parent or guardian knew or should have known that the child died, and the death did not occur while the child was under the care of a healthcare professional or emergency medical personnel. Either failure to report is a criminal misdemeanor.
Analysis - All	Analysis Type: Introduced, added 2012-01-10 A parent or guardian of a child under 18 years of age must notify a police officer or appropriate law enforcement agency of the disappearance of the child within 24 hours from when the parent or guardian new or should have known that the child was missing. A notification to police authorities must be made by the parent or guardian within one hour when a parent or guardian knew or should have known that the child died, and the death did not occur while the child was under the care of a healthcare professional or emergency medical personnel. Either failure to report is a criminal misdemeanor.
Intro Date	2011-12-16
Last Action	01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]
Complete History	12/16/2011 - S - Pre-filed in the Senate 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen] 01/18/2012 - S - Also referred to Senate Public Affairs 01/18/2012 - S - Also referred to Senate Judiciary 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]
All Hearings	01/26/12 - Senate Public Affairs Committee, 1:30 pm, <i>Room 321</i>

**- SB26 - Abolishes Restrictions on Citizen Interstate Firearm Purchases**

Bill Type	SB
Bill Number	26
Sponsors	Sen. William H. Payne (R)
Summary	(Identical to HB32, 2012) Makes New Mexico's gun control law compatible with the federal Gun Control Act concerning contiguous state provisions on firearm sales and purchases. Repeals Sec. 30-7-9 of the New Mexico Criminal Code, which limits the purchase of firearms by New Mexico residents to their home state and contiguous states. The repeal would eliminate the restrictive language and enable New Mexico residents to purchase firearms in any state, whether contiguous to New Mexico or not; and residents of noncontiguous states would be enabled to purchase long guns in New Mexico.
Analysis - All	Analysis Type: Introduced, added 2011-12-27 (Identical to HB32, 2012) Makes New Mexico's gun control law compatible with the federal Gun Control Act concerning contiguous state provisions on firearm sales and purchases. Repeals Sec. 30-7-9 of the New Mexico Criminal Code, which limits the purchase of firearms by New Mexico residents to their home state and contiguous states. The repeal would eliminate the restrictive



language and enable New Mexico residents to purchase firearms in any state, whether contiguous to New Mexico or not; and residents of noncontiguous states would be enabled to purchase long guns in New Mexico.

(NMLR Note: Current federal law leaves the choice to the individual states. U.S. maps used by gun dealers contain various colors depicting what states have reciprocal laws. Residents in a green state can buy any firearm in any other green state. Residents in red states cannot buy out of state; there is another color for states that allow long arms, but not handguns. The federal Gun Control Act was amended in 1986 to allow the sale of long guns to residents of any state, but many states have not yet amended their laws to reflect similar language.)

Intro Date 2011-12-27  
Last Action 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
Complete 12/27/2011 - S - Pre-filed in the Senate  
History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Public Affairs  
01/18/2012 - S - Also referred to Senate Judiciary  
01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
All Hearings 01/26/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*

**- SB37 - No Statute of Limitations for Homicide Felonies**

Bill Type SB  
Bill Number 37  
Sponsors Sen. William H. Payne (R)  
Summary SPAC amendment to SB37 scales back the proposal that no statute of limitations applies for the initiation of prosecution for the felonies of voluntary manslaughter, involuntary manslaughter and homicide by vehicle. The statute of limitations for those offenses is set at 10 years. Eliminates the no-time-limit proposal for initiating prosecution for the crime of assisting suicide. [NMLR note: that offense is a fourth degree felony for which a five-year statute of limitations currently applies.] Retains the no-time-limit proposal for second-degree murder. Bill goes to SJC.  
Analysis - All Analysis Type: SPAC Committee Report, added 2012-01-27  
SPAC amendment to SB37 scales back the proposal that no statute of limitations applies for the initiation of prosecution for the felonies of voluntary manslaughter, involuntary manslaughter and homicide by vehicle. The statute of limitations for those offenses is set at 10 years. Eliminates the no-time-limit proposal for initiating prosecution for the crime of assisting suicide. [NMLR note: that offense is a fourth degree felony for which a five-year statute of limitations currently applies.] Retains the no-time-limit proposal for second-degree murder. Bill goes to SJC.  
Analysis Type: Introduced, added 2012-01-10  
Proposes no statute of limitations for the initiation of prosecution for the felonies of second-degree murder, voluntary manslaughter, involuntary manslaughter assisting suicide, vehicular homicide and any first-degree felony.  
  
Under current law, the statute of imitations is six years for second-degree murder and five years for lesser degrees of homicide.  
Intro Date 2012-01-10  
Last Action 01/27/2012 - S - Reported without recommendation as amended by Senate Public Affairs  
Complete 01/09/2012 - S - Pre-filed in the Senate

History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Public Affairs  
01/18/2012 - S - Also referred to Senate Judiciary  
01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
01/27/2012 - S - Reported without recommendation as amended by Senate Public Affairs

All Hearings 01/26/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*

**- SB57 - Child Sexual Abuse Prevention Task Force**

Bill Type SB

Bill Number 57

Sponsors Sen. Mary Jane M. Garcia (D)

Summary (For the Legislative Education Study Committee) Creates a 14-member Child Sexual Abuse Prevention Task Force to make recommendations to the governor and legislature concerning methods and practices to reduce child sexual abuse in the state. The task force is directed to focus on specific statutory changes. Also required is cooperation with school districts to develop policy that includes curricula for pre-kindergarten through fifth grade students, training for school personnel, educational information for parents, a statewide master list of counseling resources and methods for increasing student and teacher awareness of issues involving child sexual abuse. The task force's recommendations are due by December 1, 2012. If passed by a two-thirds vote in each legislative house, the bill would be effective when signed by the governor.

Analysis - All Analysis Type: Introduced, added 2012-01-14

(For the Legislative Education Study Committee) Creates a 14-member Child Sexual Abuse Prevention Task Force to make recommendations to the governor and legislature concerning methods and practices to reduce child sexual abuse in the state. The task force is directed to focus on specific statutory changes. Also required is cooperation with school districts to develop policy that includes curricula for pre-kindergarten through fifth grade students, training for school personnel, educational information for parents, a statewide master list of counseling resources and methods for increasing student and teacher awareness of issues involving child sexual abuse. The task force's recommendations are due by December 1, 2012. If passed by a two-thirds vote in each legislative house, the bill would be effective when signed by the governor.

Membership on the task force includes the following ex-officio members: Secretary of Children Youth and Families Department, who serves as chair; Secretary of Public Education Department, who serves as vice-chair; Secretary of Health, or designee; Secretary of Public Safety, or designee; Secretary of Indian Affairs, or designee; Public Defender, or designee. The governor appoints a district attorney, a representative of the N.M. School Superintendents Association, a public school teacher, a public school counselor, a public school social worker and a representative of an organization involved with child sexual abuse prevention. The Speaker of the House and the President Pro Tempore of the Senate each appoint a public member.

Analysis Type: Introduced, added 2012-01-13

(For the Legislative Education Study Committee) Creates a 14-member Child Sexual Abuse Prevention Task Force to make recommendations to the governor and legislature concerning methods and practices to reduce child sexual abuse in the state. The task force is directed to focus on specific statutory changes. Also required is cooperation with school districts to develop policy that includes curricula for pre-kindergarten through fifth grade students, training for school personnel, educational information for parents, a statewide master list of counseling resources and methods for increasing student and teacher awareness of issues involving child sexual abuse. The task force's recommendations are due by December 1, 2012. If passed by a two-thirds vote in each legislative house, the bill would be effective when signed by the governor.

Membership on the task force includes the following ex-officio members: Secretary of Children Youth and Families Department, who serves as chair; Secretary of Public Education Department, who serves as vice-chair; Secretary of Health, or designee; Secretary of Public Safety, or designee; Secretary of Indian Affairs, or designee; Public Defender, or designee. The governor appoints a district attorney, a representative of the N.M. School Superintendents Association, a public school teacher, a public school counselor, a public school social worker and a representative of an organization involved with child sexual abuse prevention. The Speaker of the House and the President Pro Tempore of the Senate each appoint a public member.

Intro Date 2012-01-13  
 Last Action 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 Complete 01/13/2012 - S - Pre-filed in the Senate  
 History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 01/18/2012 - S - Also referred to Senate Rules  
 01/18/2012 - S - Also referred to Senate Finance

**- SB58 - Increased Penalty for Raping a Child Under Five**

Bill Type SB  
 Bill Number 58  
 Sponsors Sen. Mary Jane M. Garcia (D)  
 Summary Increases the penalty for conviction of criminal sexual penetration of a child less than five years of age to an aggravated CSP, a first-degree felony requiring a life prison sentence. CSP of a child between five and 13 years of age is a first-degree felony requiring an 18-year sentence  
 Analysis - All Analysis Type: Introduced, added 2012-01-13  
 Increases the penalty for conviction of criminal sexual penetration of a child less than five years of age to an aggravated CSP, a first-degree felony requiring a life prison sentence. CSP of a child between five and 13 years of age is a first-degree felony requiring an 18-year sentence  
 Intro Date 2012-01-13  
 Last Action 01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
 Complete 01/13/2012 - S - Pre-filed in the Senate  
 History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 01/18/2012 - S - Also referred to Senate Public Affairs  
 01/18/2012 - S - Also referred to Senate Judiciary  
 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
 01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
 All Hearings 01/26/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*

**- SB59 - Murder of a Child Under 13**

Bill Type SB  
 Bill Number 59  
 Sponsors Sen. Mary Jane M. Garcia (D)  
 Summary Provides that murder of a child under 13 years of age is an aggravated circumstance for purposes of capital felony sentencing (thereby increasing the penalty).  
 Analysis - All Analysis Type: Introduced, added 2012-01-13

Provides that murder of a child under 13 years of age is an aggravated circumstance for purposes of capital felony sentencing (thereby increasing the penalty).

Intro Date 2012-01-13  
Last Action 01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
Complete 01/13/2012 - S - Pre-filed in the Senate  
History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Public Affairs  
01/18/2012 - S - Also referred to Senate Judiciary  
01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
All Hearings 01/26/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*

\* **SB62 - Animal Cruelty Law Changes**

Bill Type SB  
Bill Number 62  
Sponsors Sen. Mary Jane M. Garcia (D)  
Summary Expands the definition of what constitutes cruelty to animals and extreme cruelty to animals, and enhances penalties for these crimes.  
Analysis - All Analysis Type: Introduced, added 2012-01-13  
Expands the definition of what constitutes cruelty to animals and extreme cruelty to animals, and enhances penalties for these crimes.

The bill changes the definition of “animal” to include all non-human vertebrates.

Expands the meaning of “cruelty to animals” to include failure to provide enough food to maintain weight, water of drinkable temperature, clean and suitable shelter, and proper veterinary care; also includes the tying of an animal in such a manner as to deprive access to food, water and shelter, or cause injury.

Absent any aggravating factors, animal cruelty is defined as a misdemeanor. The bill specifies that persons found guilty of misdemeanor animal cruelty shall be barred from owning or having custody of an animal for five years. The bill defines animal cruelty as a fourth degree felony in the presence of any of these aggravating factors: if the person has been previously convicted of animal cruelty, if the person has been convicted of domestic violence, or if animal cruelty is knowingly committed in the presence of a minor.

The definition of “extreme animal cruelty” is expanded to include maliciously killing an animal and tethering of an animal that leads to its death.

Absent any aggravating factors, extreme animal cruelty is defined as a fourth degree felony. The bill specifies that persons found guilty of fourth-degree felony extreme animal cruelty shall be barred from owning or having custody of an animal for ten years. The bill defines animal cruelty as a third degree felony in the presence of any of these aggravating factors: if the person has been previously convicted of animal cruelty, if the person has been convicted of domestic violence, or if animal cruelty is knowingly committed in the presence of a minor.

Intro Date 2012-01-13  
Last Action 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
Complete 01/13/2012 - S - Pre-filed in the Senate

History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Public Affairs  
01/18/2012 - S - Also referred to Senate Judiciary

**- SB64 - Appropriation for Child Abuse Awareness Campaign**

Bill Type SB  
Bill Number 64  
Sponsors Sen. Mary Jane M. Garcia (D)  
Summary Appropriates \$350,000 (GF) to the Children, Youth and Families Department for expenditure in FY 2013 to establish a child abuse public awareness campaign.  
Analysis - All Analysis Type: Introduced, added 2012-01-13  
Appropriates \$350,000 (GF) to the Children, Youth and Families Department for expenditure in FY 2013 to establish a child abuse public awareness campaign.  
Intro Date 2012-01-13  
Last Action 01/25/2012 - S - Reported Do Pass by Senate Public Affairs [Listen]  
Complete 01/13/2012 - S - Pre-filed in the Senate  
History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/18/2012 - S - Also referred to Senate Public Affairs  
01/18/2012 - S - Also referred to Senate Finance  
01/23/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
01/25/2012 - S - Reported Do Pass by Senate Public Affairs [Listen]  
All Hearings 01/24/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*

**\* SB97 - Failure to Report a Death or Disappearance: Caylee's Law**

Bill Type SB  
Bill Number 97  
Sponsors Sen. Timothy Z. Jennings (D)  
Summary "Caylee's Law," requires any person to notify a police officer or an appropriate law enforcement agency of the death of another person within 24 hours when the person knew or reasonably should have known that the death did not occur under the care of a health care professional or EMT. Failure to report is a misdemeanor; if circumstances would lead a reasonable person to believe that the death occurred as the result of a crime, the offense is a fourth-degree felony.  
Analysis - All Analysis Type: Introduced, added 2012-01-19  
"Caylee's Law," requires any person to notify a police officer or an appropriate law enforcement agency of the death of another person within 24 hours when the person knew or reasonably should have known that the death did not occur under the care of a health care professional or EMT. Failure to report is a misdemeanor; if circumstances would lead a reasonable person to believe that the death occurred as the result of a crime, the offense is a fourth-degree felony.  
Failure to report a disappearance applies to a parent, guardian or other person having the care, custody or control of a child or an adult with Alzheimer's disease or another degenerative brain disorder. A report must be made to a police officer or law enforcement agency within 24 hours when the person knew or reasonably should have known of the disappearance. Failure to report a disappearance is a misdemeanor; if circumstances would lead a reasonable person to believe that the child or adult is in danger of physical harm, failure to report is a fourth-degree felony.  
Intro Date 2012-01-19

Last Action 01/27/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
 Complete 01/19/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 History 01/19/2012 - S - Also referred to Senate Public Affairs  
 01/19/2012 - S - Also referred to Senate Judiciary  
 01/27/2012 - S - Reported germane by Senate Committee on Committees [Listen]

**- SB118 - Extends Limitation on Actions for Sex Offense Personal Injury**

Bill Type SB  
 Bill Number 118  
 Sponsors Sen. Lisa K. Curtis (D)  
 Analysis - All Analysis Type: Introduced, added 2012-01-19  
 Changes the date by which an action for personal injury caused by childhood sexual abuse must be initiated from the victim's 24th birthday to his or her 50th birthday.  
 Intro Date 2012-01-19  
 Last Action 01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
 Complete 01/19/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 History 01/19/2012 - S - Also referred to Senate Public Affairs  
 01/19/2012 - S - Also referred to Senate Judiciary  
 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
 01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
 All Hearings 01/26/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*  
 01/30/12 - Senate Judiciary Committee, 2:30 pm, *Room 321*

**- SB147 - Background Checks for CYFD Emergency Placements**

Bill Type SB  
 Bill Number 147  
 Sponsors Sen. Sander Rue (R)  
 Summary (Identical to 2011 SB558) When a child must be placed in a private home in an emergency placement situation because of the sudden unavailability of the child's primary caregiver, the Children, Youth and Families Department is authorized to request a criminal justice agency to obtain a federal, name-based criminal history record of each adult residing in the home. A request for criminal histories may include neighbors, friends, relatives or other individuals.  
 Analysis - All Analysis Type: Introduced, added 2012-01-23  
 (Identical to 2011 SB558) When a child must be placed in a private home in an emergency placement situation because of the sudden unavailability of the child's primary caregiver, the Children, Youth and Families Department is authorized to request a criminal justice agency to obtain a federal, name-based criminal history record of each adult residing in the home. A request for criminal histories may include neighbors, friends, relatives or other individuals.

CYFD must deliver a set of fingerprints to the Department of Public Safety for each adult resident where the child is placed within 20 days of the name-based check, and remove the child if any adult resident fails to provide the fingerprints. If CYFD denies a child's emergency placement as a result of the name-based check, the adult resident may contest the denial and provide fingerprints within five days.

Intro Date 2012-01-23  
Last Action 01/26/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
Complete History 01/23/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/23/2012 - S - Also referred to Senate Public Affairs  
01/23/2012 - S - Also referred to Senate Judiciary  
01/26/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
All Hearings

**- SB155 - Statute of Limitations on Sex Offenses Against Children**

Bill Type SB  
Bill Number 155  
Sponsors Sen. Lisa K. Curtis (D)  
Summary Provides that the statute of limitations for commencing a prosecution begins to run when the alleged victim of specified sex offenses against children obtains the age of 50 or the violation is reported to a law enforcement agency, whichever occurs first. Under current law Sec. 30-1-9.1, the statute begins to run when the alleged victim obtains the age of 18 or the violation is reported to a law enforcement agency.  
Analysis - All Analysis Type: Introduced, added 2012-01-23  
Provides that the statute of limitations for commencing a prosecution begins to run when the alleged victim of specified sex offenses against children obtains the age of 50 or the violation is reported to a law enforcement agency, whichever occurs first. Under current law Sec. 30-1-9.1, the statute begins to run when the alleged victim obtains the age of 18 or the violation is reported to a law enforcement agency.  
Applies to abandonment or abuse of a child, criminal sexual penetration and criminal sexual contact of a minor.  
Intro Date 2012-01-23  
Last Action 01/23/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
Complete History 01/23/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
01/23/2012 - S - Also referred to Senate Public Affairs  
01/23/2012 - S - Also referred to Senate Judiciary  
All Hearings

**- SB156 - Additional "Three Strike" Violent Felonies**

Bill Type SB  
Bill Number 156  
Sponsors Sen. John C. Ryan (R)  
Summary (Identical to 2011 SB74) Adds nine felonies to the list of violent felonies resulting in a mandatory life imprisonment sentence after a third conviction.  
Analysis - All Analysis Type: Introduced, added 2012-01-23  
(Identical to 2011 SB74) Adds nine felonies to the list of violent felonies resulting in a mandatory

life imprisonment sentence after a third conviction.

The new additions are:

- voluntary manslaughter (Sec. 30-2-3);
- third degree aggravated battery (Sec. 30-3-5);
- second or third degree shooting at a dwelling or occupied building (Sec. 30-3-8);
- third degree aggravated battery against a household member (Sec. 30-3-16);
- second or third degree criminal sexual contact of a minor (Sec. 30-9-13);
- second degree aggravated arson (Sec. 30-17-6);
- aggravated assault upon a peace officer (Sec. 30-22-22);
- assault with intent to commit a violent felony upon a peace officer (Sec. 30-22-23) and
- third degree aggravated battery upon a peace officer (Sec. 30-22-25).

For purposes of “three strikes” sentencing under current Sec. 31-18-23, the use of the term “great bodily harm” is replaced by explicit reference to the degree of the offense considered a violent felony. These changes are as follows:

- second or third degree shooting at or from a motor vehicle (Sec. 30-3-8);
- first degree kidnapping (Sec. 30-4-1);
- aggravated first or second degree criminal sexual penetration (Sec. 30-9-11) and
- first or second degree robbery (Sec. 30-16-12).

Intro Date 2012-01-23  
Last Action 01/26/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
Complete 01/23/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
History 01/23/2012 - S - Also referred to Senate Public Affairs  
01/23/2012 - S - Also referred to Senate Judiciary  
01/26/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
All Hearings

**\* SB166 - Domestic Violence Prevention**

Bill Type SB  
Bill Number 166  
Sponsors Sen. Linda M. Lopez (D)  
Summary Appropriates \$500,000 (GF) to the Children, Youth and Families Department to fund the continuation and expansion of domestic violence prevention programs.  
Analysis - All Analysis Type: Introduced, added 2012-01-23  
Appropriates \$500,000 (GF) to the Children, Youth and Families Department to fund the continuation and expansion of domestic violence prevention programs.  
Intro Date 2012-01-23  
Last Action 01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
Complete 01/23/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
History 01/23/2012 - S - Also referred to Senate Public Affairs  
01/23/2012 - S - Also referred to Senate Finance  
01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen]  
01/27/2012 - S - Reported Do Pass by Senate Public Affairs  
All Hearings 01/26/12 - Senate Public Affairs Committee, 1:30 pm, *Room 321*

**\* SB235 - Limits Issuance of Driver's Licenses to Immigrants - supporting**



Bill Type SB  
 Bill Number 235  
 Sponsors Sen. Timothy Z. Jennings (D)  
 Summary Limits the issuance of driver's licenses to foreign nationals; limits the duration and provides for cancellation of such licenses; requires additional identification and proof of residency for foreign nationals; increases existing penalties and imposes new penalties.  
 Analysis - All Analysis Type: Introduced, added 2012-01-26  
 Limits the issuance of driver's licenses to foreign nationals; limits the duration and provides for cancellation of such licenses; requires additional identification and proof of residency for foreign nationals; increases existing penalties and imposes new penalties.

Specifies that a foreign national applying for a driver's license shall provide:

- An individual tax identification number or acceptable substitute;
- A proof of identity, including an original birth certificate or a certified copy (including a notarized English translation, if necessary); or a photo ID in the form of a foreign passport or consular ID card
- Two forms of proof of New Mexico residency, which may include utility bills, bank statements, receipts for a mortgage or real estate contract, rental agreements, school records, or other authorized documents that show an address;
- A signed and notarized declaration that all documents provided are genuine and accurate; and
- Fingerprints.

Specifies that a driver's license issued to a foreign national without a social security number shall be valid for no more than two years. Sets a \$5 fee for this license.

Specifies that a provisional license may be issued to a foreign national without a social security number for a fee of \$6.50.

Provides that it is a third-degree felony for a MVD employee or contractor to knowingly issue a license or registration document to a person not entitled to issuance, to knowingly accept fraudulent documents, to knowingly alter a record of license or registration without justification, or to solicit or accept anything of value in connection with issuing any document. Provides that it is a fourth-degree felony to sell a driver's license or permit to another person or to conspire or induce another person to fraudulently provide or accept a license or related document.

Specifies that driver's licenses issued to anyone without a social security number prior to July 1, 2012 shall be cancelled within two years if the license holder does not provide a social security number. Provides detailed procedural specifications for license revocation.

Intro Date 2012-01-26  
 Last Action 01/26/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 Complete History 01/26/2012 - S - Introduced and referred to Senate Committee on Committees [Listen]  
 01/26/2012 - S - Also referred to Senate Public Affairs  
 01/26/2012 - S - Also referred to Senate Judiciary

Bill Type	SR
Bill Number	1
Sponsors	Sen. Dede Feldman (D)
Summary	Proposes to adopt a new Senate Rule 23-2-1 to prohibit the carrying of firearms in the Senate, except by a law enforcement officer.
Analysis - All	Analysis Type: Introduced, added 2012-01-27 Proposes to adopt a new Senate Rule 23-2-1 to prohibit the carrying of firearms in the Senate, except by a law enforcement officer.
Intro Date	2012-01-27
Last Action	01/27/2012 - S - Introduced and referred to Senate Rules [Listen]
Complete History	01/27/2012 - S - Introduced and referred to Senate Rules [Listen] 01/27/2012 - S - Also referred to Senate Judiciary

**SB30 - Sunshine Portal Act Changes – Removes victims of DV – Thanks to advocacy from the Coalition**

Bill Type	SB
Bill Number	30
Sponsors	Sen. Sander Rue (R)
Summary	Amends the Sunshine Portal Transparency Act to expand its scope to include all branches of government: executive, legislative and judicial. It also requires the State Sunshine Information Website employee directory to include the names of state classified and exempt employees. Presently the act requires only the posting of positions and salaries by agency; under this bill employee names would be disclosed.
Analysis - All	Analysis Type: Introduced, added 2011-12-29 Amends the Sunshine Portal Transparency Act to expand its scope to include all branches of government: executive, legislative and judicial. It also requires the State Sunshine Information Website employee directory to include the names of state classified and exempt employees. Presently the act requires only the posting of positions and salaries by agency; under this bill employee names would be disclosed.
	Only the names and information pertaining to undercover peace officers and employees who have filed for an order of protection under state or federal law would not be identified on the site.
Intro Date	2011-12-29
Last Action	01/27/2012 - S - Reported Do Pass by Senate Public Affairs
Complete History	12/30/2011 - S - Pre-filed in the Senate 01/18/2012 - S - Introduced and referred to Senate Committee on Committees [Listen] 01/18/2012 - S - Also referred to Senate Public Affairs 01/18/2012 - S - Also referred to Senate Judiciary 01/25/2012 - S - Reported germane by Senate Committee on Committees [Listen] 01/27/2012 - S - Reported Do Pass by Senate Public Affairs
All Hearings	01/26/12 - Senate Public Affairs Committee, 1:30 pm, <b>Room 321</b> 01/30/12 - Senate Judiciary Committee, 2:30 pm, <b>Room 321</b>

