

The Legislature
of the
State of New Mexico

48th Legislature, 2nd Session

LAWS 2008

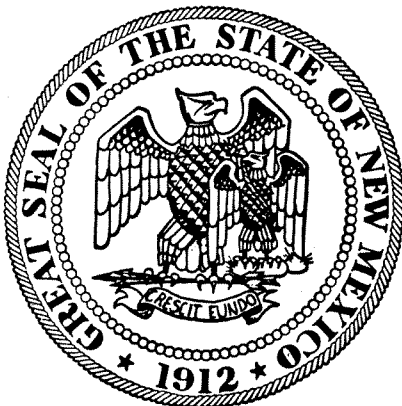
CHAPTER _____

HOUSE MEMORIAL 12

Introduced by

REPRESENTATIVE DEBBIE A. RODELLA

REPRESENTATIVE LUCIANO "LUCKY" VARELA
REPRESENTATIVE W. KEN MARTINEZ
REPRESENTATIVE AL PARK



1 A MEMORIAL

2 REQUESTING A STUDY ON THE NEED FOR PROBATION SERVICES IN THE
3 MAGISTRATE COURTS.

4
5 WHEREAS, magistrates have jurisdiction in all criminal
6 cases of misdemeanors and petty misdemeanors, including
7 offenses under local ordinances; and

8 WHEREAS, magistrates adjudicate most of the offenses
9 committed for driving under the influence of intoxicating
10 liquor or drugs and for domestic violence; and

11 WHEREAS, magistrates see many offenders return to their
12 courts on the same or similar offenses; and

13 WHEREAS, depending on the offender and the nature of the
14 offense, magistrates may impose a suspended or deferred
15 sentence and require community service, treatment, education,
16 installation of an ignition interlock device or other
17 conditions of probation; and

18 WHEREAS, magistrates are unable to determine whether an
19 offender has complied with the conditions of probation because
20 no probation services are available for the magistrate courts;
21 and

22 WHEREAS, without probation officers to supervise those
23 on probation, the orders of magistrates are rendered
24 meaningless and without force; and

25 WHEREAS, the misdemeanor compliance program was enacted

1 in 2000 to allow counties to alleviate the problem of
2 unsupervised probation in the magistrate courts, but the
3 program has been either insufficiently funded or is not viable
4 in many counties;

5 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the
7 administrative office of the courts be requested to convene a
8 task force that includes a representative from the adult
9 probation and parole division of the corrections department,
10 the magistrate judges association and other relevant and
11 interested entities or organizations to study the extent of
12 and explore methods for addressing the need for probation
13 services in the magistrate courts; and

14 BE IT FURTHER RESOLVED THAT the administrative office of
15 the courts report to the appropriate interim legislative
16 committee on the recommendations of the task force, including
17 any recommendations for a pilot project, no later than
18 November 2008; and

19 BE IT FURTHER RESOLVED THAT a copy of this memorial be
20 transmitted to the administrative office of the courts.

S/ BEN LUJAN
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

SEP 11 1970

SEP 11 1970