

The Legislature  
of the  
State of New Mexico

48th Legislature, 2nd Session

LAWS 2008

CHAPTER \_\_\_\_\_

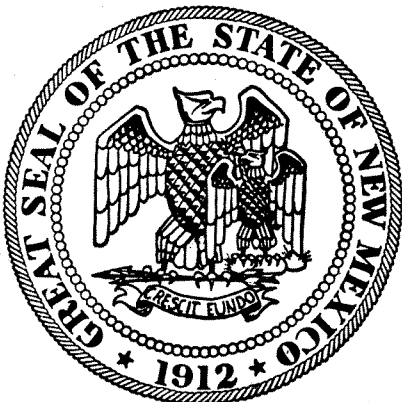
HOUSE MEMORIAL 19, as amended

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Introduced by

REPRESENTATIVE THOMAS E. SWISSTACK AND REPRESENTATIVE RICK MIERA



1 A MEMORIAL

2 REQUESTING A STUDY OF ALTERNATIVE ADJUDICATIVE PROCEDURES FOR  
3 TRAFFIC OFFENSES STATEWIDE.

4  
5 WHEREAS, in many jurisdictions throughout New Mexico,  
6 minor traffic warrants represent more than one-half of all  
7 outstanding warrants; and

8 WHEREAS, research data collected to determine the  
9 effectiveness and efficiency of continued criminal warrant  
10 notices have demonstrated that criminal warrants neither  
11 represent a deterrent to the habitual offender's disregard of  
12 the traffic codes nor provide increased public safety on the  
13 highways; and

14 WHEREAS, research data indicate that the ever-increasing  
15 number of traffic warrants is not reduced until violators are  
16 stopped on other moving violations or other criminal charges;  
17 and

18 WHEREAS, currently in Bernalillo county there are an  
19 estimated sixty-one thousand seventy outstanding warrants for  
20 minor traffic violations; and

21 WHEREAS, these violations include failure to pay fines  
22 and failure to appear in court; and

23 WHEREAS, in 2007, six thousand two hundred twenty-four  
24 persons were booked into the Bernalillo county metropolitan  
25 detention center for traffic-related warrants and minor

1 traffic violations, placing great strain on Bernalillo  
2 county's sentencing and court systems and Bernalillo county's  
3 metropolitan detention center; and

4 WHEREAS, removing criminal penalties, including the  
5 possibility of incarceration in jails, from traffic and  
6 driving penalties and instead punishing violations with civil  
7 sanctions could make better use of the resources dedicated to  
8 criminal justice without jeopardizing public safety and  
9 without increasing the incarcerated population; and

10 WHEREAS, punishing traffic offenses by fines and  
11 limitations on a driver's credit history and ability to  
12 access public utilities could prove to be a lesser drain on  
13 court and incarceration systems;

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
15 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state  
16 commence a statewide study to examine alternative  
17 adjudicative procedures for traffic offenses; and

18 BE IT FURTHER RESOLVED that the interim legislative  
19 committee that studies courts and corrections issues study  
20 current New Mexico law relating to minor traffic offenses,  
21 report the study's findings and make recommendations for  
22 legislation prior to the first session of the forty-ninth  
23 legislature; and

24 BE IT FURTHER RESOLVED that copies of this memorial be  
25 transmitted to the governor and the co-chairs of the New

1 Mexico legislative council.

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S/ BEN LUJAN  
BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES

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