

The Legislature
of the
State of New Mexico

48th Legislature, Second Session

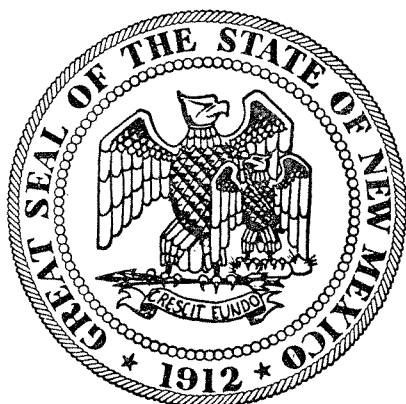
LAWS 2008

CHAPTER _____

SENATE MEMORIAL 24

Introduced by

SENATOR LINDA M. LOPEZ



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A MEMORIAL

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

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

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

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

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

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

WHEREAS, in 2007, six thousand two hundred twenty-four
persons were booked into the Bernalillo county metropolitan
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, an amendment to punish traffic offenses by
11 fines and limitations on a driver's credit history and
12 ability to access public utilities could prove to be a lesser
13 drain on court and incarceration systems;

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

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New Mexico legislative council. _____

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NEW MEXICO LEGISLATIVE COUNCIL
OFFICE OF THE CLERK

s/Diane D. Denish
Diane D. Denish, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate