



State of New Mexico

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OFFICE OF
SECRETARY OF STATE

Susana Martinez
Governor

April 2, 2011

HOUSE EXECUTIVE MESSAGE NO. 8

The Honorable Ben Luján and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Honorable Speaker Luján and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I have this day VETOED and am returning HOUSE BILL 469, enacted by the Fiftieth Legislature, First Session, 2011.

This bill directs each judicial district in the state to institute a program to establish sanctions for probationers who violate conditions of their probation.

Rules of Criminal Procedure for the District Courts already give judicial districts the authority to establish programs to impose technical sanctions. Specifically, § 5-805 (C) reads, "A judicial district may by local rule approved by the Supreme Court in the manner provided by Rule 5-102 NMRA, establish a program for sanctions for probationers who agree to automatic sanctions for a technical violation of the conditions of probation." As such, I see no reason for the legislative branch to mandate the implementation of these programs.

Respectfully yours,

Susana Martinez
Governor

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The Honorable Ben Luján

April 2, 2011

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Time: 2:09 a.m. p.m.

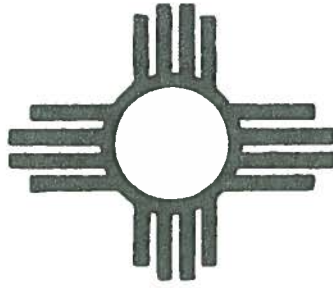
Date: 4/2 2011

By Larry Dominguez
Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2011

By _____
Chief Clerk of the House



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

HOUSE BILL 469

Introduced by

REPRESENTATIVE GAIL CHASEY

REPRESENTATIVE ANTONIO "MOE" MAESTAS
REPRESENTATIVE W. KEN MARTINEZ



VETOED

1 AN ACT

2 RELATING TO CRIMINAL PROCEDURE; ESTABLISHING A TECHNICAL
3 VIOLATION OF PROBATION EXPEDITED RELEASE PROGRAM FOR JUDICIAL
4 DISTRICTS; ESTABLISHING A COMMISSION AND SETTING FORTH ITS
5 DUTIES.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. TECHNICAL VIOLATION OF PROBATION EXPEDITED
9 RELEASE PROGRAM--ESTABLISHED.--Each judicial district shall
10 institute a program establishing sanctions for probationers
11 who commit certain technical violations of the conditions of
12 their probation and then agree to certain automatic sanctions
13 for those violations. Prior to its institution, the program
14 shall be submitted for approval to the supreme court in the
15 same manner as rules submitted under Rule 102 of the New
16 Mexico Rules of Criminal Procedure for the District Courts.
17 As used in this section, "technical violation" means any
18 violation of a condition of probation that does not allow for
19 new criminal charges.

20 SECTION 2. TECHNICAL VIOLATION OF PROBATION EXPEDITED
21 RELEASE PROGRAM COMMISSION--MEMBERSHIP--DUTIES.--

22 A. Each judicial district shall form a commission
23 composed of the local district attorney, the district public
24 defender, the chief administrative judge, a representative of
25 the adult probation and parole division of the corrections

1 department who works with individuals in that judicial
2 district and a representative of each county commission for
3 the judicial district.

4 B. The commission shall adopt policies and
5 procedures for the operation of the judicial district's
6 technical violation of probation expedited release program.
7 The policies shall provide, at a minimum, for the probationer
8 to:

9 (1) not contest the alleged violation of
10 probation;

11 (2) submit to sanctions in accordance with
12 the local judicial district rule; and

13 (3) waive the provisions of Paragraphs D
14 through L of Rule 805 of the New Mexico Rules of Criminal
15 Procedure for the District Courts.

16 SECTION 3. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2011. _____

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JUL 1 2011 10:15
MONTGOMERY

S/ BEN LUJAN
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES

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

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2011

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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