



Legislation Text

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CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. M-24-1 ENACTMENT NO. _____

SPONSORED BY: Dan Champine

MEMORIAL

Urging The New Mexico State Legislature To Consider Changes To New Mexico's Criminal Justice Pretrial Detention System That Has Created An Unacceptable Level Of Lawlessness In And Throughout The Albuquerque Area And The Council Urges State Legislative Leaders To Move Such Proposals Through The Committee System And Allow Up Or Down Votes On The Floors Of The House And Senate (Champine)..body

URGING THE NEW MEXICO STATE LEGISLATURE TO CONSIDER CHANGES TO NEW MEXICO'S CRIMINAL JUSTICE PRETRIAL DETENTION SYSTEM THAT HAS CREATED AN UNACCEPTABLE LEVEL OF LAWLESSNESS IN AND THROUGHOUT THE ALBUQUERQUE AREA AND THE COUNCIL URGES STATE LEGISLATIVE LEADERS TO MOVE SUCH PROPOSALS THROUGH THE COMMITTEE SYSTEM AND ALLOW UP OR DOWN VOTES ON THE FLOORS OF THE HOUSE AND SENATE.

WHEREAS, the existing system has resulted in individuals charged with violent felonies being subject to limited to no supervision, thereby contributing to an alarming increase in additional violent crimes; and

WHEREAS, our constituents have made their voices heard, that they demand violent criminals face swift and certain consequences for committing crimes in our community and the justice system end the "revolving door" practice of releasing most defendants from jail pre-trial - even repeat offenders and those arrested for violent crimes; and

WHEREAS, 85% of New Mexicans - including staggering majorities of Democrats,

Independents, and Republicans alike - support changing state law to ensure people who are charged with certain violent crimes are detained in jail until their trial (*Albuquerque Journal* poll, Research & Polling Inc., September 2022); and

WHEREAS, the Chief of the Albuquerque Police Department, Harold Medina, has said, "We need to fix this process so the public will have faith that we are keeping the community safe from dangerous criminals." *Santa Fe New Mexican*: Pre-trial risk-assessment tool: crutch or crystal ball?, January 30, 2023; and

WHEREAS, Attorney General Raúl Torrez has strongly advocated for changing pre-trial release procedures, noting repeatedly that criminals arrested for violent crimes - including those using a firearm - are routinely detained pre-trial in the federal justice system but released and inadequately monitored by the state justice system, saying through a spokesman, "In a very real sense it's not working because we are losing the public's trust." *Santa Fe New Mexican*: Pre-trial risk-assessment tool: crutch or crystal ball?, January 30, 2023; and

WHEREAS, Attorney General Torrez, District Attorney Sam Bregman, and a bipartisan group of lawmakers and representatives of police and prosecutors have called for the creation of a rebuttable presumption of detention in cases where a defendant has committed certain violent crimes, illegally used a firearm, or has historically ignored court orders; and

WHEREAS, law enforcement leaders and chief prosecutors from across New Mexico gathered for a crime summit in September 2023, hosted by the Attorney General and held at the Greater Albuquerque Chamber of Commerce, and described the challenges and daily disappointment of having to arrest and try the same violent criminals over and over again due to rampant pre-trial release and inadequate pre-trial monitoring; and

WHEREAS, Governor Michelle Lujan Grisham said in her 2022 State of the State address, "*The worst offenders, the most serious and dangerous criminals in our state, need to be behind bars, simple as that. And we are going to pass a law, this session, that will keep violent criminals behind bars until justice can be done. We will put a wedge in the revolving door of violent crime in New Mexico. The safety of our communities cannot be up for debate.*" (State of State speech, January 18, 2022); and

WHEREAS, The *Albuquerque Journal's* editorial page featured an editorial: "*The government's main responsibility is to protect its citizens, but bail reform, propped up by the Arnold Risk Assessment Tool, has done the exact opposite. There is no secret as to what needs to happen to end "catch and release." Bail reform needs to be repealed by the voters and the Arnold Risk*

Assessment Tool needs to be sent back to where it came from. Judges' hands need to be untied and they need to be required to once again do their own individual risk assessment. Bail decisions should be made based on the crime(s), criminal history, past failures to appear, and other important factors that would add accountability back into the system. Anything short of this and the crime saga will continue in New Mexico.” Albuquerque Journal: To fight crime, reform NM’s failed bail reform, 6/7/2022; and

WHEREAS, state lawmakers have introduced a number of proposals to alter the current system, but each effort has been tabled or otherwise defeated in a legislative committee and rarely or never given the opportunity for an up-or-down vote on both the House and Senate floors. BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The Albuquerque City Council urges the Governor of the State of New Mexico to include pre-trial release and detention on the call during the 30-day legislative session.

SECTION 2. The Albuquerque City Council emphasizes the pressing need for the New Mexico Legislature to conduct up-or-down votes in both chambers on proposed legislation aimed at substantively reforming our state's current pretrial detention system. Specifically, we urge the Legislature to enact measures that provide stronger assurances regarding the pretrial detention of individuals falling into high-risk categories. This includes violent repeat offenders, those found illegally using firearms, and individuals charged with violent crimes. The proposed legislation should prioritize holding such individuals in jail prior to their trial, addressing a critical gap in our current legal framework.

SECTION 3. The City Clerk is directed to transmit copies of this Memorial to the City of Albuquerque State Legislative Delegation, the Governor of New Mexico, the New Mexico Legislature, the New Mexico Department of Public Safety, the Administrative Office of the Courts, the New Mexico Attorney General’s Office, and the Second Judicial District Attorney’s Office.

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