



State of New Mexico
House of Representatives

STATE CAPITOL

Santa Fe

June 10, 2024

The Honorable Michelle Lujan Grisham
Governor, State of New Mexico
State Capitol, Room 400
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Dear Governor:

After a thorough review of presenters' remarks and comments from both Republican and Democrat legislators at the Courts and Criminal Justice Interim Committee hearings on May 6 and June 6, it is quite clear to us your proposals to rewrite the current assisted outpatient treatment (AOT) statutes and undertake a "complete retooling" of our criminal competency system are not possible to pass during the expected special session in July. Making such major changes to these highly complex systems during a two- or three-day special session is simply not good public policy and will undoubtedly result in many unintended consequences due to the lack of needed consideration and debate. Rushing to judgment on rewriting both important sections of law dealing with significant behavioral health issues is especially troublesome when there is no analysis available as to the cost of your proposals, no explanation as to why current statutes require a major retooling, no apparent plan as to how many behavioral health service providers will be needed, and where additional professional staff to provide such services will come from. We believe both proposals should be studied during the interim and considered during the 60-day session in 2025.

Rather than utilizing the special session to push through complex proposals not fully vetted, we once again encourage you to set a special session agenda will provide a unique opportunity for Republicans and Democrats to work together. With bipartisan cooperation, the upcoming special session could provide real solutions to fix our state's violent crime problem, reduce the flow of illegal immigrants and drugs across our southern border, and enact reforms to address CYFD's critical problems. Each of these issues has had a dramatic effect on the overall sense of safety New Mexicans feel in their homes and communities, and solving them will have a real impact on improving public safety across New Mexico.

Our constituents are growing tired of state government ignoring their calls for us to finally stop the revolving-door criminal justice system, to protect New Mexicans from the effects of our unprotected border, and take long overdue steps to ensure the safety of our state's most vulnerable children from abuse and neglect.

During the recent 30-day session, House Republicans were prepared to debate and approve numerous legislative proposals that would have had a significant impact in reducing violent crime in our state. In fact, our Caucus members introduced nearly a dozen bills which were designed to: 1) fix our state's "catch-and-release" criminal justice practices; 2) impose harsher penalties for crimes conducted with a firearm, and 3) establish new penalties for career criminals. However, only one of these proposals was considered and passed by the full House, and that specific proposal never made it out of the Senate

Judiciary Committee. We would be happy to work with your staff and others on these types of anti-crime bills to determine which ideas can generate bipartisan consensus.

While it is clear the Biden administration is not willing or able to secure our southern border, federal inaction is no excuse for New Mexico to refuse to take all necessary steps to protect the people of our state. There are a number of ways state government can reduce the threat posed by federal inaction, including: 1) requiring state and local law enforcement agencies to cooperate with U.S. Immigration and Customs Enforcement's program to expand immigration enforcement; 2) requiring law enforcement to determine the immigration status of anyone arrested for felony drug trafficking or a violent crime and report any illegal immigration status to the federal government; 3) forbidding government entities and officials from practicing "sanctuary policies;" 4) making it a crime to transport or conceal an immigrant entering the state illegally; and 5) authorizing the governor's office to enter into an interstate compact for enhanced border security that provides for sharing of law enforcement intelligence on illegal activity, creating comprehensive technological surveillance systems to ensure the protection of our people and their property.

The fentanyl epidemic also demands immediate attention as New Mexico has seen hundreds of overdose deaths over the past few years. This dangerous drug must be eradicated from our communities, and law enforcement needs to be empowered to conduct strong interdiction efforts to apprehend drug dealers who profit from trafficking illegal substances. At the very least, we need to increase criminal penalties for fentanyl distribution. Once again, we look forward to discussions with the executive branch and our legislative colleagues on border security and the fentanyl outbreak.

Additionally, it is critical for us to work together on changing how CYFD operates to ensure our state's vulnerable children are protected. The recent 30-day session was a huge disappointment as there were no serious efforts to address CYFD's underperformance and make certain the department has the tools to fulfill its essential functions. House Republicans introduced six legislative proposals that would have made an immediate and positive impact in protecting children who are abused and neglected. However, none of these bills were considered since no executive messages were issued making them germane. The upcoming special session, however, provides a new opportunity to start reforming CYFD, and we stand ready to work with Democrats in making these reforms a reality.

With all due respect, while addressing behavioral health treatment, making it illegal for people to stand along certain highways, and improving data sharing among law enforcement agencies are noble problems to tackle they will do little or nothing to address our state's violent crime problem, nor do they have any impact on securing the border or protecting our state's abused and neglected children. Special session should be used to deal with critical issues that will result in an immediate improvement.

We are confident the people of New Mexico will be watching very closely as to what steps policymakers take to finally develop needed solutions for these important challenges facing our state.

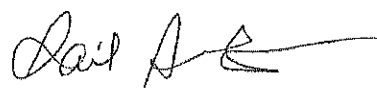
Sincerely,



Rod Montoya
House Republican Leader



Alan Martinez
House Republican Whip



Gail Armstrong
Caucus Chair