



# LEGISLATIVE ADVOCACY GUIDE

2018 REGULAR SESSION

**ACLU**

AMERICAN CIVIL LIBERTIES UNION

New Mexico



## 2018 Legislative Session

**Opening Day:** Tuesday, January 16, 2018 at noon

**Closing Day:** Thursday, February 15, 2018 at Noon

**Deadline to veto legislation:** Wednesday, March 7, 2018

**Website:** [www.nmlegis.gov](http://www.nmlegis.gov)

**Governor:** Susana Martinez  
505-476-2200

**House:**

**Senate:**



### My State Senator:

[Redacted area for My State Senator]

### My State Representative:

[Redacted area for My State Representative]

House of Representatives

House of Representatives

70 members

42 members

# How to Talk

So Your New Mexico Legislator Will Listen

## PICK YOUR ISSUE & FIND YOUR LEGISLATOR!

Visit legislators' websites or go to [www.nmlegis.gov](http://www.nmlegis.gov) to learn their backgrounds and positions, then sign up for updates at [www.aclu-nm.org](http://www.aclu-nm.org) to stay in the loop and take action on the issues you care about.

### MEET IN PERSON

- **Attend town halls meetings or legislative forums.** Come prepared with a question and be sure to introduce yourself after.
- During session, **visit your legislators** at the New Mexico Capitol in Santa Fe.
- Out of session, in their home area, legislators have more time. **Set up a meeting** and bring like-minded friends.



### WRITE A LETTER

- **Hand write a letter.** Old-fashioned pen and paper can be very effective since it's increasingly rare. Go to the ACLU-NM website for messaging or use your own words. Encourage others to write as well.
- **Submit a letter to your legislators' local paper.** They'll see it, and so will other voters!
- **Send a postcard.** Short, simple, and effective!



### EMAIL



Email is one of the easiest ways to make your voice heard. Send a custom note directly to your legislators' inbox, or sign up for ACLU-NM action alerts to participate in an organized email campaign.

### MAKE A CALL



Simply pick up the phone and call your legislators' offices. You may reach a staffer or leave a message. State the issue(s) and what you want them to do about it.

**ACLU**  
New Mexico

#### Pro Tips

- **Be brief.** Legislators want to know what you think. Write just a paragraph or two and keep phone messages to a few sentences.
- **Be firm but courteous.** Use respectful language. If possible, include praise for a position the legislator has taken in the past.
- **Use the correct salutation.** (Dear Senator/Representative [last name]...)



# ACLU of New Mexico

## 2018 Legislative Overview

The 2018 legislative session will be filled with 30 days of budget-focused bills and priorities our Governor wants to see pass before her term comes to an end. With threats to our civil liberties coming fast and furious from the Trump Administration, we need to mobilize to protect our rights here in our state. We anticipate new efforts by the Governor and her legislative allies to ramp up misguided “tough-on-crime” policies that will cost the state a lot of money but do little to increase public safety in our communities. We also expect to see dangerous efforts to limit access to reproductive healthcare and to push for a rewrite of the U.S. Constitution.

This advocacy guide provides information about the ACLU-NM’s legislative agenda and how you can help protect and expand civil liberties for all New Mexicans. With your help, we can use the 2018 session to push back against harmful proposals and build the foundation for an ambitious proactive ACLU-NM legislative agenda in 2019. As the legislative session moves quickly, we will keep in touch with you about situations as they develop by sending occasional updates about the status of our priority legislation via email and text. We will also notify you of urgent action items, and post updates on our social media.

Where available, we have provided links to the bills that have already been introduced below. If you are using the digital version of this guide, just click on the bill title and it will take you to the webpage for that particular bill. (If no bill number is provided, the bill has not been introduced yet.) You can also follow the status of specific bills on the New Mexico Legislature’s website: [www.nmlegis.gov](http://www.nmlegis.gov).

During the 2018 session, we also will be taking small groups of ACLU-NM activists up to the Roundhouse on specific days to help us advocate for our key issues. If you are interested in doing this, please contact Ana Moran ([amoran@aclu-nm.org](mailto:amoran@aclu-nm.org)) or Maggie Sandoval ([msandoval@aclu-nm.org](mailto:msandoval@aclu-nm.org)).

## [A New Approach to Public Safety](#)

In close collaboration with the New Mexico SAFE coalition ([www.nmsafe.org](http://www.nmsafe.org)), the ACLU-NM has developed programs to move the state toward a new model of criminal justice, one that is committed to the equity and dignity of every individual and all communities. Crime is a real concern in many New Mexico communities. But if we're going to succeed in increasing public safety in our state, we need to move beyond the failed, hyper-punitive, tough-on-crime policies that were the trend in the 1980s and 1990s. New Mexico's criminal justice system is broken. Tougher penalties imposed year after year by politicians have disproportionately impacted low-income people, people of color and people living with disabilities, and done little to address crime in our communities. To break out of this cyclical pattern of failure, our public debate around crime must shift.

Mandating severe sentences across the board for criminal activity regardless of the circumstances does little to increase public safety. We need to take a more pragmatic approach to addressing crime, in part by addressing the underlying social and economic factors that contribute to it. Below are a few of the more notable crime bills we expect to see during the 2018 session.

### *[Reinstating the Death Penalty in New Mexico, \(expected not yet introduced\)](#)*

In 2009, after many years of legislative debate, New Mexico repealed the death penalty. Support for the death penalty nationally has plummeted among policy makers and law enforcement because of a deepening understanding that it is expensive and does little to deter crime. In 2016, less than three months before the general election, the Governor pushed to reinstate the death penalty during a special legislative session that was intended to address the state's budget crisis. We expect another attempt by the Governor to thrust the death penalty into New Mexico's public safety debate. Reinstating the death penalty would waste state resources that would be better spent helping New Mexico communities, lifting people out of poverty, and lowering the prevalence of serious crime.

### *[Allowing Cities to Adopt Teen Curfews, \(expected not yet introduced\)](#)*

Studies show little to no reduction in violent crime by youth as a result of curfew laws. Furthermore, strict limitations on freedom of movement – even for young people – may be unconstitutional. Proposals like this do not account for parental permission, preempting parents' ability to decide when their children may be allowed to travel freely. Providing grounds for law enforcement to stop, question, and search our young people is guaranteed to overwhelm our already strained juvenile justice system, and unfairly target New Mexico's most vulnerable youth. Although New Mexico ranks 47th in the nation for homeless youth, previous incarnations of this bill contained no exemption for homelessness. Perhaps most

importantly, there are serious concerns that such laws are disproportionately enforced against young people of color, who already represent a disproportionate number of incarcerated youth. It's just a bad idea, and it needs to be blocked.

### [Three Strikes, HB 18 \(Rep. Nate Gentry\)](#)

Three strikes laws are based on the mistaken notion that focusing on criminal offenses after they are committed reduces crime. Instead of allowing judges to choose an appropriate sentence for a defendant, three strikes laws take away judicial discretion in sentencing. This bill would *require* courts to impose a sentence of life imprisonment after a third conviction for any combination of listed offenses, regardless of the circumstances of each individual case. HB 18 adds 16 additional crimes to New Mexico's existing three strikes law, dramatically increasing the number and type of qualifying felonies.

A similar bill introduced in 2016 was estimated to cost New Mexico \$55.3 million over the next 30 years to house inmates in our prisons and jails, to say nothing of the increased costs to the courts, prosecutors, and public defenders. We must block HB18 to save New Mexico's precious resources that could be better spent on programs that actually increase public safety.

### [Bail Reform Constitutional Amendment, \(expected not yet introduced\)](#)

In 2016, New Mexico voters approved a constitutional amendment that prohibits judges from detaining defendants solely because they cannot afford bail. The amendment also allows judges to detain defendants who they believe pose a great danger to the community. This change to our state's founding document, and the rules that were issued along with it, have helped ensure that if someone is going to be placed behind bars before they've even been convicted then there had better be a really good reason for this. This is important in a free society where anyone accused of a crime is considered innocent until proven guilty.

Instead of focusing on improving our state's economy, providing more jobs, raising education levels and providing better behavioral health services – all things we know would increase public safety in our state – the Governor wants to attack the amendment that passed in 2016. Although the ACLU-NM didn't approve of every aspect of the amendment, there's no good reason to change it now. If she gets her legislative allies to introduce a measure to re-amend the bail provisions in our state constitution, we will need to do everything we can to defeat it.

## [Protecting Reproductive Freedom in New Mexico](#)

As politicians in other states put up barriers to women accessing reproductive health care, New Mexicans stand firm in our values that these decisions are personal and should remain between a woman and her health care provider. While other states have quietly enacted more than 300 anti-abortion laws in the past 5 years alone, New Mexico remains a place where women from our communities and across the country can access the safe and legal reproductive healthcare their families need. We will work to ensure that a full range of reproductive healthcare remains accessible.

### [Decriminalizing Abortion, HB16 \(Rep. Joanne Ferrary/Sen. Bill Soules\)](#)

Believe it or not, New Mexico still has an old, outdated law from the 1960s on the books that criminalizes abortion. Although the law is unconstitutional (and unenforceable) under *Roe v. Wade*, it's important to get it off the books now, given the precarious nature of the U.S. Supreme Court and the potential for this outdated law to be used to shame and criminalize women and providers. We are asking that Governor Martinez allow HB16 to be heard during the 2018 legislative session so we can continue our state's tradition of protecting access to safe and legal abortion. [Sign our petition](#) and join us in delivering it to the Governor's office on Wednesday, January 24<sup>th</sup> to demand that HB16 to be heard.

### [Banning Abortion Later in Pregnancy, HB 76 \(Reps. Yvette Herrell, Rod Montoya and David Gallegos\)](#)

In November 2013, a strong majority of Albuquerque voters stood with women and their families by rejecting a ballot measure that unsuccessfully sought to ban access to abortion later in pregnancy. Valencia County rejected a similar effort shortly thereafter. Once again, reproductive rights opponents are trying to pass similar restrictions at the state level: HB76 has already been introduced to eliminate and criminalize access to safe and legal abortion later in pregnancy, regardless of a woman's circumstances. A woman making a personal decision about abortion needs access to all safe and legal options without political interference. Every pregnancy is different and women who have made the decision to have an abortion later in pregnancy face many different circumstances. Some involve fetal anomalies and serious risks to their health. Others face harmful barriers to healthcare, transportation, or childcare that may delay access to care. When political interference restricts access to abortion, the harm falls hardest on low-income women, women of color, and young women. Personal decisions about abortion must remain between a woman, her family and her medical providers. It is not our, nor the government's place to judge or decide for any woman what she should do. We must prevent the passage of HB 76 that would eliminate access to safe and legal abortion.



### *Forced Parental Notification, HB56 (Reps. Rick Little and David Gallegos)*

Strong family communication is built on trust, not government interference. Forced parental notification is a threat to the health and safety of New Mexico's young women and families. Research has shown that most young people are likely to involve a trusted adult when seeking abortion services regardless of whether a state law mandating parental notification is in place. However, young women who do not feel safe talking to their parents about a pregnancy—for whatever reason—need access to trusted providers and safe and legal care. Although this bill includes a so-called “judicial bypass” provision, this isn't adequate to protect young women. Judicial bypass is not a realistic option for many young people and has been rejected by adolescent health experts including the American Academy of Pediatrics. Court intervention is difficult and daunting to navigate, and creates delays time-sensitive healthcare. In addition, in our rural state, private and confidential proceedings are impossible to ensure. Young women who are pregnant need access to confidential and safe medical care, NOT laws that put young people in dangerous situations and make it harder to get support from trusted adults.

### *Rewriting the Constitution*

#### *Calling for a Constitutional Convention, (expected not yet introduced)*

Groups on both the right and the left have been pushing for a constitutional convention under Article V of the U.S. Constitution. We expect to see similar resolutions introduced during the 2018 legislative session in New Mexico. Groups on the right seek to enact a balanced budget amendment. Groups on the left seek to overturn the U.S. Supreme Court's decision in Citizens United. Whatever you think of these issues, addressing them through a constitutional convention is a dangerous idea. We've only had one constitutional convention in the history of our nation, in 1787, and that resulted in an entirely new founding document for our country. There is no way to ensure that a constitutional convention would be limited to the desired subject matter. In a worst case scenario, a convention could result in a wholesale rewrite of the U.S. Constitution. This is a gamble that we simply can't risk, especially now, when we have a President in the White House who is overtly hostile to the Bill of Rights. Although New Mexico rescinded our previous requests for a constitutional convention last year, there are renewed and intensified efforts to push the issue into the spotlight again. All such efforts must be stopped.