



**BETWEEN THE SESSIONS 2018-19**

**AN ACTIVIST'S GUIDE**

**ACLU**

New Mexico



# 2019 LEGISLATIVE SESSION



New Mexico House of Representatives:

70 Members

New Mexico Senate:

42 members

My State Senator:

My State Representative:

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

## IMPORTANT DATES

<b>May - June, 2018</b>	Interim legislative committees hold orientation meetings to map out their work plans for the year.
<b>July - December, 2018</b>	Interim legislative committees meet for 2-3 days each month to discuss relevant research and policy proposals. First and last meetings are almost always in Santa Fe.
<b>December 17, 2018 - January 11, 2019</b>	Legislation may be pre-filed.
<b>January 15, 2019</b>	Opening day of legislative session starts at noon. The governor will give a “state of the state” address that day to outline the administration’s goals for the session.
<b>February 14, 2019</b>	Deadline for introduction of legislation.
<b>March 16, 2019</b>	Session ends at noon.
<b>April 5, 2019</b>	Legislation not acted upon by governor is pocket vetoed.
<b>June 14, 2019</b>	Effective date of legislation if it is not a general appropriation bill or a bill carrying an emergency clause or other specified date.

# A GUIDE FOR ACLU-NM ACTIVISTS

This guide is designed to give ACLU-NM activists all the information they need to begin advocating legislators in the long period from May to December before the regular session starts. As you will see, this period is vital for doing the hard work of winning the hearts and minds of legislators to support the ACLU's vision for the state of New Mexico. As the ACLU-NM's plan for the 2019 session continues to evolve, this guide will be updated to include more specific details about the bills the ACLU will be actively endorsing. We will hold trainings throughout the year to provide ACLU-NM activists with the most up-to-date information possible about our ambitious plans for the 2019 session.

## DON'T WAIT TILL THE SESSION

During regular legislative sessions in New Mexico, legislators are often busy and distracted. This can make it difficult for activists to get a hearing with them. They are often in a rush and don't have much time to have an in-depth conversation. This is especially true the final frantic weeks at the end of the session.

For this reason, successful advocacy requires us to start having conversations with legislators long before the session starts. The New Mexico legislature has what's called an "interim period" that extends roughly from May to December every year. During the interim period, legislators have much more time to talk to their constituents. They tend to be more relaxed and more open to different perspectives. It's during this period that you can have deeper, more intimate conversations with them about the issues that matter the most to you.

## STAY UP TO DATE!

**This guide will be updated periodically throughout 2018 as our plan for the 2019 legislative session evolves. We'll also provide you with information about the latest interim committee schedules.**

Please contact our organizers if you have any questions at all about this guide or the ACLU-NM's interim legislative advocacy plan.

Ana Moran—*Field Organizer* based in Albuquerque  
Email: [amoran@aclu-nm.org](mailto:amoran@aclu-nm.org)

Jorge Rodriguez —*Field Organizer* based in Las Cruces  
Email: [jrodriguez@aclu-nm.org](mailto:jrodriguez@aclu-nm.org)

## TELL YOUR STORY BETWEEN THE SESSIONS

With the interim legislative session kicking off right around now, we ask you to start engaging your legislators in more general conversations about criminal justice reform and reproductive rights. We have provided you with an activist guide to help facilitate these conversations.

The most effective advocates tell persuasive stories. Are you or someone you know a survivor of crime? Have you been involved in the criminal justice system? What experience have you or someone you know had with accessing reproductive healthcare in New Mexico. When talking to legislators, it's important to talk about the problems our society is facing. But it's even more important to humanize and personalize your conversations with legislators, so they can actually *feel* why ACLU-NM issues matter to you.

You can send emails to legislators. You can call them on the phone. The best option is to either arrange for a face-to-face meeting with them in their districts, or to show up at one of the interim legislative committee meetings and speak your mind during the public comment period.

### INTERIM COMMITTEES

During the regular legislative session, committees meet to take votes on active legislation. During the interim legislative period, interim legislative committees meet. These interim committees don't have the power to vote on active bills, but they do deliberate on legislative proposals and relevant data and research. Interim committees usually meet for two to three days each month between May and December. Most interim committee meetings are in Santa Fe, but they also happen in other cities and towns around the state.

#### **The most important interim legislative committees for the ACLU of New Mexico are:**

**Courts, Corrections and Justice Committee:** This committee spends a lot of time on various criminal justice issues. Government agencies such as the New Mexico Corrections Department, the Law Office of the Public Defender, the Children Youth and Families Department and many others often provide presentations to this committee. The ACLU-NM and its advocacy allies also presents in front of this committee regularly.

**Criminal Justice Reform Subcommittee:** This is a subcommittee of Courts, Corrections and Justice that focuses entirely on criminal justice reform. We hope to help shape the work of this subcommittee to help influence overall legislative priorities during the 2019 session.

**Legislative Health and Human Services Committee:** The ACLU-NM and its allies frequently presents in front of this committee on reproductive healthcare access and other important issues.

**Legislative Finance Committee:** This committee focusses on facilitating discussions about the state budget. The committee also often sponsors important research reports on issues of importance to the ACLU-NM and its allies.

# TALK ABOUT THE ISSUES!

## CRIMINAL JUSTICE

As part of the **New Mexico SAFE** coalition, we will be developing a proactive legislative agenda around criminal justice reform. This will start with bills that the coalition gave an “A” grade to that Governor Martinez has vetoed in the past. Use the accompanying fact sheet from the New Mexico SAFE coalition to talk about how important it is for legislators to move away from politicizing crime and start coming up with solutions that will actually make our communities safer.

In these conversations, it’s important to acknowledge that there has been a recent spike in crime in some New Mexico communities – notably Albuquerque – in recent years. But we can’t incarcerate our way out of this problem. It’s no accident that New Mexico is a poor state that also struggles with crime. Until we provide people with good jobs, good educations, good behavioral health services, etc, we’re never going to lower our crime rates. In fact, most other states have been lower their crime rates at the same time they’re lowering their incarceration rates. New Mexico is one of the few states in the country where our crime rates are going up at the same time as our incarceration rates. If we can’t fix our economy and provide real opportunity and services for people, crime will continue to be a problem regardless of how many people we stuff into our prisons and jails.

## REPRODUCTIVE RIGHTS

As part of the **Respect New Mexico Women** coalition, we will also be developing a proactive legislative agenda to expand access to reproductive healthcare for all New Mexicans. There are many reasons to be proud to be a New Mexican. One big one is that we have some of the best access to reproductive healthcare in the country. That said, in many areas of the state access to reproductive healthcare is extremely limited, and because we have many good laws on the books, abortion is under attack in our state. At least 27 pieces of anti-abortion legislation have been introduced since 2010 in New Mexico. And 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.

In having conversations with legislators about abortion and reproductive freedom, use the accompanying fact sheet from Respect New Mexico Women titled “How to Talk About Abortion”. Using the information in this fact sheet, we can begin to educate legislators about the importance of this issue to New Mexicans. This can help lay the groundwork for 2019 when we can hopefully get the outdated abortion criminalization law off the books and expand access to contraception in New Mexico at the same time.



## How to Talk about Abortion

Many Americans hold conflicting feelings about abortion. Increasing numbers of people identify as neither “pro-life” nor “pro-choice.” It’s just not that simple for some people. Extensive research shows that the number of people who say that abortion should remain safe and legal is higher than the number of those who identify as “pro-choice.” Avoiding the use of labels leaves space for people to acknowledge the complexity of abortion and have more authentic and nuanced conversations that can lead to shared values in support of safe and legal access to abortion for all New Mexicans.

- New Mexican communities have a history of **respecting** diverse personal and religious beliefs, including differing views about ending a pregnancy.
- We should continue to respect a woman and her health, supporting the personal decisions a woman and her family makes without government interference.
- We don’t want to *stand in the way* of a woman’s ability to make decisions about abortion. The opposition wants to interfere and impose their views on others.
- A woman needs to have medically accurate information about all of her options whether that is to have an abortion, choose adoption, or become a parent.

### Abortion is Under Attack in New Mexico and Around the Country

Access to abortion is being chipped away across the United States. A staggering number of restrictions that interfere with a woman’s ability to make her own personal decisions are being enacted in many states. This is part of the anti-abortion movement’s larger coordinated strategy to block safe and legal access to abortion altogether. Here are some facts you can use in your conversations about abortion:

- At least half of American women will experience an unintended pregnancy by age 45, and about 1 in 4 women will have an abortion by 45.
- Since 2011, anti-abortion legislators have quietly passed more than 400 anti-abortion laws. In states across the country, new laws have made it impossible for a woman to access a legal abortion.
- In New Mexico, at least 27 pieces of anti-abortion legislation have been introduced since 2010. In 2015, anti-abortion legislation passed the New Mexico House for the first time in decades.

## **“We aren’t in her shoes.”**

It is important that a person makes reproductive health decisions that are right for them. Every pregnancy is different and everyone has unique circumstances. **If a woman is thinking about getting an abortion, we aren’t in her shoes, and we can’t make that decision for her.**

- Every pregnancy is different and so are the circumstances surrounding it. That’s why we can’t make complex decisions about abortion for someone else.
- Creating fictional scenarios isn’t helpful. What you think is a “good” or “bad” reason to have an abortion may not be someone else’s.
- If you are willing and able to share your own story, speaking out helps combat the stigma associated with reproductive healthcare. Personal stories transform talking points into reality.

## **Anti-abortion bills are government interference.**

Government should work to ensure that abortion remains safe and legal, but it should not be involved in individual decision-making.

- A woman deserves to make her own healthcare decisions without interference from the government.
- The government shouldn’t be making these decisions for someone else.

## **Abortion is safe.**

We know that abortion is one of the safest medical procedures in the United States.

- Abortion is one of the safest procedures for a woman in the United States. Less than 0.5% of women obtaining an abortion experience a complication.
- All healthcare providers, including abortion providers, prioritize patient safety. They follow regulations, licensing requirements, and constantly update training and standards to deliver the highest quality, safe care.



Making New Mexico safe for all children & families

## How to Talk About Criminal Justice Reform

**New Mexicans want safe and strong communities for their families.**

New Mexico is a fantastic place to live. We have deep culture, strong families, breath-taking landscapes, and near-perfect weather. But crime is on the rise in many New Mexico communities and the question is what are we going to do about it?

For too long, too many politicians have reacted to rising crime by proposing tired, recycled, tough-on-crime legislation as a way to score easy points with voters. Unfortunately, instead of making communities safer, these policies have decimated New Mexican families. Too many of us are faced with the vicious cycle of poverty, mental illness, substance abuse, homelessness and incarceration. It is time we demand real solutions – solutions that support and empower families with the tools they need to thrive.

In an effort to focus on sensible strategies to increase public safety in our state, New Mexico SAFE has created a litmus test to grade reforms. The idea is to spark a reality-based discussion about what laws will actually help keep New Mexicans safer, and what ones won't. Based on the acronym "SAFE," the litmus test has four parts.

### **SAFER for CHILDREN and FAMILIES**

Tougher penalties simply do not correlate with a decrease in crime. Instead, imprisonment traumatizes incarcerated people and hurts families and communities. Investing in proven strategies that support families makes us safer.

### **APOLITICAL**

Many politicians use tough-on-crime legislation to appeal to voters' fears with little thought put into whether or not the proposed legislation actually works. Serious legislation must address the problem of crime and public safety, not advance a candidate's political agenda.

### **FISCALLY-RESPONSIBLE**

For the last four decades, this country has relentlessly expanded the size of our criminal justice system, needlessly throwing away too many lives and wasting trillions of taxpayer dollars. New Mexico can't afford tough-on-crime laws that don't increase safety.

### **EVIDENCE-BASED**

Evidence shows that tough-on-crime policies do not make communities safer, instead they increase racial and economic disparity and fail to deter crime. We need proven solutions that actually work and are supported by data.

## What's really going on in New Mexico?

### *When they say New Mexico is too lenient on criminals:*

1. New Mexico has the highest rate of imprisonment for Latinos of any state.
2. Black adults in New Mexico are incarcerated at six times the rate of white adults.
3. The prison population in New Mexico grew 483% between 1980 – 2015.
4. While the United States saw a prison population decline of 6% between 2000-2015, New Mexico saw a 31% increase.
5. New Mexico incarcerates a higher percentage of people in private prisons than any other state.
7. New Mexico uses solitary confinement more than almost any other state.
8. New Mexico has one of the highest rates of children with incarcerated parents of any state.

### *When they say crime is rising due to repeat offenders and “catch and release”:*

1. Crime rates across the country are at historical lows compared to the 1980s and 1990s.
2. Crime rates in Albuquerque started to trend up in 2010.

### *Why is New Mexico seeing crime rates go up when other states are seeing a decrease?*

#### **From 2010 – 2016, in Bernalillo County:**

- a. Poverty rates rose
- b. Poverty rates for families with children rose
- c. Albuquerque residents living in high poverty neighborhoods rose
- d. The percentage of people in the labor force dropped
- e. Families receiving public assistance rose
- f. Drug overdose rates rose
- g. Number of chronically homeless rose

## What Can We Do?

In addition to analyzing bills using the “SAFE” litmus test, New Mexico SAFE believes there are other steps we as a state need to take to reduce crime and increase public safety. First off, all bills that increase criminal sentences must have an appropriation and a thorough fiscal analysis attached to them. We need to analyze each bill on its impact and cost relative to other approaches, and see which serves crime survivors and taxpayers best. For example, the death penalty carries an enormous cost and has no correlation to reductions in violent crime. What if those funds were applied to treatment or behavioral health services? Which approach would actually prevent some of these terrible tragedies? We need policies that keep families intact and provide treatment and rehabilitation to individuals in need.

Second, we need to shift resources into preventing violent crime, rather than trying to address quality of life issues better left out of the criminal justice system. Police often talk about how they have to spend countless hours on infractions like loitering and urinating in public, leaving little time to address serious crime. If we treated substance abuse and mental health as a public health issue, we wouldn't need so many police officers, district attorneys, public defenders, and jail cells. But our current system is upside down and doesn't work to protect New Mexicans from serious crime.

## About New Mexico SAFE

New Mexico SAFE is a coalition dedicated to creating a safe, fair, and prosperous New Mexico. We are community leaders, social workers, faith leaders, and concerned individuals representing a wide array of New Mexico communities and points of view. We are working together to refocus our state's correctional efforts on cost-effective, evidence based alternatives to incarceration that rehabilitate offenders, keep families intact, and make our communities safer. For more information, go to [www.nmsafe.org](http://www.nmsafe.org).

# How to Talk

## So Your New Mexico Legislator Will Listen

It may only take a couple dozen phone calls, emails, or other contact from constituents to get an issue on your legislators' radar.

### DO A LITTLE RESEARCH

Visit legislators' websites to learn their backgrounds and positions or go to [www.nmlegis.gov](http://www.nmlegis.gov)

- Sign up for their emails.
- Sign up for ACLU-NM updates [www.aclu-nm.org](http://www.aclu-nm.org) and ACLU [People Power](#) to stay in the loop and take action at critical moments.

### MEET IN PERSON

- Attend town halls meetings or voter 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. Contact them in advance.
- Out of session, in their home area, legislators have more time. Set up a meeting and bring like-minded friends.



### WRITE A LETTER



Old-fashioned pen and paper can be very effective since it's increasingly rare. Go to the ACLU of New Mexico web site for messaging or use your own words. Encourage others to write as well.

### MAKE A CALL



Simply pick up the phone and call your legislator's office. 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.

## WE NEED YOU NOW!

In collaboration with our various partners, the ACLU-NM will take several months to work out the specifics of our 2019 legislative plan, partly because our plan will be shaped by conversations with various coalitions and other stakeholders. Some specifics won't be finalized till a few weeks before the beginning of the legislative session in January 2019.

Even though our plan isn't yet fully formulated, right now is the perfect time to start reaching out to legislators about criminal justice reform and reproductive freedom. They've had time to recover from the 2018 session, and they're just gearing up for the interim period.

The best way to make use of this guide is to make it your own, and we're here to help you if you have any questions or need any support.

Please contact our organizers you have any questions at all about this guide or the ACLU-NM's interim legislative advocacy plan.

Ana Moran—*Field Organizer* based in Albuquerque  
Email: [amoran@aclu-nm.org](mailto:amoran@aclu-nm.org)

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Email: [jrodriguez@aclu-nm.org](mailto:jrodriguez@aclu-nm.org)