



LEGISLATIVE ADVOCACY GUIDE

## 2019 LEGISLATIVE SESSION



### 2019 Legislative Advocacy Guide

January 15 – March 16

[www.ACLU-NM.org](http://www.ACLU-NM.org)



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It's a brand new day. For the past eight years, New Mexico Governor Susana Martinez was a consistent impediment to the progress of liberty in our state. During her tenure, she relentlessly advocated for reinstating the death penalty, ineffective and regressive criminal sentencing laws, voter suppression schemes, restricting women's access to safe and legal abortion, and the persecution of immigrant communities. Last legislative session, she vetoed every ACLU-supported bill that came across her desk. With a new governor and a stronger state House of Representatives, we have a historic opportunity to pass a wide range of new laws to strengthen civil liberties in our state. On January 1, 2019, the Martinez Era ended and a new day has dawned for New Mexico.

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. Because the legislative session moves quickly, we will keep in regular 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 regular urgent calls to action via email and text.

As they become available, we will provide 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. This will be indicated by "???".) 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 2019 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 Mary Ann Maestas, Reproductive Rights Field Organizer, [mmaestas@aclu-nm.org](mailto:mmaestas@aclu-nm.org), Raul Alcaraz Ochoa, Criminal Justice Field Organizer, [rochoa@aclu-nm.org](mailto:rochoa@aclu-nm.org), or Stephanie Corte, Immigrant Rights Campaign Strategist, [scorte@aclu-nm.org](mailto:scorte@aclu-nm.org).

The ACLU of New Mexico and our allies have been preparing to take advantage of this once-in-a-generation opportunity to proactively pursue a pro-freedom agenda. We have built a three-pronged strategy to win major advancements in the upcoming legislative session that begins January 15.

## Our 2019 Priorities

### 1) Protect and Expand Access to Reproductive Healthcare

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 individuals and their health care providers. While other states have quietly enacted more than 300 anti-abortion laws in the past 5 years alone, New Mexico remains a place where people from our communities and across the country can access the safe and legal reproductive healthcare their families need. In collaboration with the Respect New Mexico Women coalition, the ACLU-NM will work during the 2019 legislative session to ensure that a full range of reproductive healthcare remains accessible in our state.

#### Decriminalize Abortion

**Sponsor: Rep. Joanne Ferrary**

**Bill Number: House Bill 51**

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 our legislature to repeal this outdated law once and for all so we can continue our state's tradition of protecting access to safe and legal abortion.

#### Expand Access to Contraception

**Sponsor: Rep. Deborah Armstrong**

**Bill Number: House Bill 89**

Policies that ensure meaningful access to family planning services create health, social, and economic benefits for mothers, newborns, families, and communities. We must maintain and expand access to affordable contraception so that all New Mexicans can have adequate information and options that allow them to prevent, plan, and space their own pregnancies. We need to update our existing laws to ensure that the full range of contraceptive options are covered by insurance companies without out-of-pocket costs or medically unnecessary restrictions. This important bill would also improve access to contraception by covering access for both women and men and requiring insurance companies to cover up to a six-month supply of contraception at once.

## 2) Reduce Mass Incarceration

Crime, public safety, and the criminal justice system were important issues during the 2018 election and voters have repeatedly said public safety is the number one issue on their minds. But after eight years of Susana Martinez' tough on crime policies in New Mexico crime is up, the so-called "justice" system is broken, and New Mexicans are understandably fed up.

It's time for a new, smarter approach to public safety in our state and we can only do this by listening to the people most impacted by these policies – crime victims, formerly incarcerated people, and their families. The ACLU-NM's Smart Justice project does just that. We're working with hundreds of formerly incarcerated folks, together with crime survivors and their families, to push for meaningful change. We all live here, we all want safer communities, but for too long the voices of those closest to the problem have been silenced. This year, our legislative platform and plan for executive actions the new governor should take are informed by listening to people with direct lived experience. Moving forward, the newly formed Justice Advisory Board will help set the direction of our work in this area and will serve as a resource for meaningful justice reform. As a result of our Smart Justice listening sessions and in partnership with the New Mexico SAFE coalition, we developed a list of legislative priorities for the 2019 session. Many of these bills will be led by partner organizations, but there are three bills the ACLU is prioritizing this session.

Resources:

- 1) Blueprint for Smart Justice New Mexico: <https://www.aclu-nm.org/en/publications/blueprint-smart-justice-new-mexico>
- 2) Polling Data: [https://www.nmsafe.org/what\\_do\\_new\\_mexicans\\_think\\_about\\_public\\_safety](https://www.nmsafe.org/what_do_new_mexicans_think_about_public_safety)
- 3) New Mexico SAFE 2019 Legislative Priorities: [https://www.nmsafe.org/2019\\_legislative\\_roadmap](https://www.nmsafe.org/2019_legislative_roadmap)

### **Criminal Record Expungement**

**Sponsors: Rep. Moe Maestas and Sen. Bill O'Neill**

**Bill Number: ???**

New Mexico is one of only a handful of states without any meaningful way to clear past arrest or conviction records. People with criminal records face enormous barriers to employment, safe housing, and myriad other "collateral consequences of conviction" as a result. Expungement has passed the legislature several times but has been vetoed by two former governors: Susana Martinez and Bill Richardson. This year, we're working with Representative Maestas to introduce the strongest expungement bill yet – one that would allow people with arrest and conviction records to clear those records and move forward with their lives.

### **Reform the Use of Solitary Confinement**

**Sponsors: Rep. Moe Maestas, Sen. Mary Kay Papen**

**Bill Number: ???**

Solitary confinement is widely understood to exacerbate, or even create, mental illness particularly among vulnerable populations. However, the practice is widespread in New Mexico's prisons and jails. In 2017, Susana Martinez vetoed a bill with bipartisan support that would have limited the use of solitary confinement for children, pregnant women, and people living with a mental illness. This year we're working with Representative Moe Maestas and Senator Mary Kay Papen to introduce an even stronger bill that would greatly reduce the reliance on this inhumane practice.

### **Restore Felon Voting Rights**

**Sponsor: Representative Gail Chasey**

**Bill Number: HB57**

Felony disenfranchisement traces its origins to the racist Jim Crow laws after the Civil War and has a disproportionate impact on people of color. As of 2017, over 24,000 New Mexicans were not eligible to vote due to felony convictions. We're working with a coalition of organizations, including Millions for Prisoners, to end this practice in New Mexico. House Bill 57, sponsored by Representative Gail Chasey, would eliminate the ban on voting rights and delete current language requiring people convicted of a felony to go through an onerous process of re-registering to vote. If passed, New Mexico would join Vermont and Maine as the only states to completely prohibit felony disenfranchisement.

### **3) Block Trump's Deportation Machine**

The ACLU-NM has engaged in efforts to defend the civil liberties of immigrants and immigrant communities for many years. Partly because we maintain an office in Las Cruces, we have particularly focused our attention on programs designed to limit the militarization of the southern border region of our state. The Trump administration's overt hostility to immigrant communities has generated a new urgency in this work. The ACLU-NM is committed to rising to the challenge to resist Trump's deportation machine. The ACLU is working with other immigrant rights organizations to push forward a suite of bills that would create new protections for our state's immigrant communities. We seek to accomplish three major reforms this session.

#### **[Prohibit State and Local Government Agencies from Enforcing Federal Immigration Law](#)**

**Sponsor: Senator Richard Martinez and Linda Lopez**

**Bill Number: SB 196**

We need to invest our local resources in keeping our welcoming state safe and free from discriminatory practices that target vulnerable communities. Right now, local law enforcement is disproportionately policing immigrant communities based solely on the suspicion or assumption that they may be living in New Mexico in violation of federal immigration laws.

They are actively participating as an arm of ICE and the federal government instead of focusing local resources and personnel on accountability and creating a true sense of community safety. This means putting a stop to racially profiling immigrant communities and removing the pipeline to deportation that currently exists in New Mexico.

This bill would prohibit the use of state and local public funds, personnel, property, and other resources to aid federal agencies in the enforcement of immigration law. Most importantly, it would stop state police and jails from identifying, arresting, detaining, or prolonging the detention of a person based solely on the suspicion or knowledge that the person has entered or is residing in the U.S. in violation of federal immigration laws. New Mexico has traditionally always been a welcoming state when it comes to immigrant communities. This bill will help keep it that way by passing one of the strongest state-wide “sanctuary” measures in the country and in turn protect the constitutional rights of immigrants throughout New Mexico

### **State Disclosure of Sensitive Info**

**Sponsor: Representative Miguel Garcia**

**Bill Number: HB 141**

Some local jurisdictions in New Mexico have privacy and confidentiality policies that prohibit the disclosure of sensitive private information obtained by public employees to outside agencies, such as a person’s social security number, sexual orientation, a person’s status as a recipient of public assistance, or immigration status. This session we will work with partners to help pass a bill that protects all New Mexicans from disclosure of their most private and sensitive information. This bill would create a confidentiality policy for all state agencies that prohibits government employees from disclosing sensitive personal information acquired by virtue of their position with a state or local government agency to anyone outside of that state or local agency. In addition to the bill’s other benefit, this will provide another measure of protection for immigrant communities in our state.

### **Fix Our Drivers License Law**

**Sponsor: Senator Gerald Ortiz y Pino**

**Bill Number: ???**

One of the highest-profile indications that New Mexico is a truly immigrant-friendly state is the fact that we have a law that allows undocumented immigrants to receive a state drivers license. Unfortunately, instead of focusing on how to improve our economy and support New Mexican families, Former Governor Susana Martinez spent her entire time in office trying to make our state a place that’s hostile to immigrants. Although she did her best, she largely failed. But she did use her executive power whenever possible to make it difficult for all New Mexicans (not just immigrants) to get a drivers license. While a lawsuit by the ACLU-NM, Somos Un Pueblo Unido and other partners has finally made obtaining a Driving Authorization Card (DAC) much easier, there are still statutory changes need to reduce unnecessary barriers for New Mexicans seeking to get a drivers license. The current law is the product of the politicization of this issue by Martinez. Now that we have a new governor, it’s time to focus on policy over politics. This bill would eliminate a pointless fingerprinting requirement, and changes the name of the DAC to simply “driver’s license”

to make it less stigmatized. It would also enact a host of other changes to ensure that the distinction between New Mexico's REAL ID and non-REAL ID compliant drivers licenses isn't needlessly confusing.

### **Much, Much More**

The bills described above are just the tip of the ice berg. We have described them for you because they will be our biggest priorities during the upcoming session. But we will also be working with partners on many other measures, including legalizing marijuana, strengthening voting rights laws, and much, much more. In addition to proactive bills, we anticipate new efforts 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. We'll need your help to stay on top of these damaging efforts as well. As additional bills gain traction at the Roundhouse, we'll send you updates to ask for your support to advance good legislation and block all the bad stuff.

## **WHAT YOU CAN DO**

**If you don't already know, find out who your legislator is.** Go to this page on the New Mexico Legislature's website: [https://nmlegis.gov/Members/Find\\_My\\_Legislator](https://nmlegis.gov/Members/Find_My_Legislator). Click on "Search By Your Address" for both the House and the Senate. This will show your address on a district map of the state. By zooming into the map you can find your legislative district number. Then using the same link, click on "Search By Name or District" to look up your senator and representative.

**Connect with your legislators.** Once you know who your legislator is, reach out to them by email or phone about the issues listed above that matter most to you. It's important to talk about the specific policy that you want to see passed. You can use the information provided above to help determine what points you would like to make. What's even more important is to explain why a particular policy matters to you on a personal level. Have you or a family member had to access reproductive healthcare in New Mexico? Have you been a survivor of crime but recognize that people with conviction records need support in reintegrating into our communities? Do you have a friend who is an undocumented immigrant and is living in fear in Trump's America? Tell your legislator about that. It matters. They will listen to you. Just remember to always be polite. **We will provide you with Legislative Visit Report sheets so you can report on your conversations with legislators and staff and report back to us.** You can find contact information for legislators at the same link: [https://nmlegis.gov/Members/Find\\_My\\_Legislator](https://nmlegis.gov/Members/Find_My_Legislator).

**Visit the Roundhouse.** As we have during past legislative sessions, we will be bringing small groups of ACLU-NM activists to the state capitol four days per week during the session (Monday through Thursday), to meet with legislators, help us monitor committees and engage in other useful activities. We will also participate in several "days of action" at the Roundhouse (see below) that you can attend to collaborate with other advocates in other organizations to get these priority bills passed. If you are

interested in visiting the Roundhouse, please contact Mary Ann Maestas, Reproductive Rights Field Organizer, [mmaestas@aclu-nm.org](mailto:mmaestas@aclu-nm.org) or Raul Alcaraz Ochoa, Criminal Justice Field Organizer, [rochoa@aclu-nm.org](mailto:rochoa@aclu-nm.org)

**Tell it to the Governor.** New Mexico's new governor, Michelle Lujan Grisham needs to hear from you too on these issues. Take the time to reach out to her to let her know how much these issues matter to you. As is true with contacting legislators, make it personal: Let her know how these issues impact you, your family and your friends. Remember to be polite. You can contact the governor by phone or email by going to this website: <https://www.governor.state.nm.us/contact/>

**Stay tuned for urgent calls to action.** We'll be sending out calls to action on a roughly weekly basis via email and text to mobilize advocates in support of our legislative priorities. As a bill comes up in committee or as they reach the full House or Senate for a floor vote, we'll send you a note with instructions on how you can help raise the pressure on legislators to vote for our priority bills (or against the slew of bad bills we're also expecting. When we get our priority bills passed through both chambers, we'll need to urge the governor to sign them. We'll send out calls to action for that purpose as well.

**Finally, THANK YOU for everything you're doing to defend the civil liberties of all New Mexicans!**

### **Important Dates**

January 15 – First day of session

January 22 – Respect 140

January 28 – Immigrant Rights Day of Action

February 14 – Permanently Protect Abortion Day of Action

February 19 – #EndMassIncarceration Day of Action

March 5 – ACLU-NM Closing Legislative Strategy (statewide webinar)

March 16 – Last day of session

April 5 – Governor's last day to veto legislation

June 14 – Effective date of legislation passed during the 2019 session