

SB292

**nmSAFE**

Making New Mexico safe for all children & families

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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Senator Joseph Cervantes

**SHORT TITLE:** Uniform Collateral Consequences of Conviction

**SYNOPSIS OF BILL:** Adopts the basic scheme of the Uniform Collateral Consequences of Conviction Act (UCCCA); requires inventory of statutes imposing collateral consequences; requires a generalized notice to defendants in criminal cases of the concept of such consequences; regulates the effects of out-of-state convictions and extensions of relief; provides for an Order of Limited Relief that permits the sentencing court to issue an order mitigating sanctions relating to employment, education, housing, public benefits, and occupational licensure.

**STRENGTHS:** Millions of Americans are impacted by a complex web of literally thousands of statutes, rules, and regulations that govern many aspects of life for people with a criminal record. These rules often combine to create permanent barriers for people that have long ago paid their debt to society. It is next to impossible for any individual defense attorney or court, let alone defendant, to completely grasp the extent to which a person may be impacted by a criminal record in their life. By creating a system of barriers, collateral consequences have the effect of marginalizing and punishing entire families and communities through limited access to meaningful employment, adequate housing, occupational licenses, volunteer opportunities, and educational opportunities.

- Approximately 1 in 3 adults, or 65 million Americans, has a criminal record. See *65 Million Need Not Apply*, National Employment Law Project, [http://nelp.3cdn.net/e9231d3aee1d058c9e\\_55im6wopc.pdf](http://nelp.3cdn.net/e9231d3aee1d058c9e_55im6wopc.pdf).
- New Mexico has the fourth highest rate of incarcerated or formerly incarcerated parents. See *A Shared Sentence*, Annie E. Casey Foundation, <http://www.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>.
- Collateral Consequences have become more pervasive and more problematic in the past 20 years for three reasons: they are more numerous and impactful, they affect more people, and they are harder to avoid or mitigate. As a result, millions of Americans are consigned to a kind of a permanent legal limbo because of a crime they committed in the past. See *National Inventory of the Collateral Consequences of Conviction*, Council of State Governments Justice Center, <https://niccc.csgjusticecenter.org/>.

**ADDITIONAL INFO:** In 2013, Senator Cervantes sponsored a version of the UCCCA (SB 158) which passed unanimously through the House and Senate. Governor Martinez vetoed the unanimous vote of the legislature, stating in her veto message “Senate Bill 158 is an attempt by trial attorneys to not only erode public safety and judicial precedent, but also to profit from increased court filings.”

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<p>Reducing recidivism and increased access to housing, education and employment opportunities makes communities safer. Collateral consequences of a criminal record impact not only individuals, but their entire families and communities.</p>	<p>The unintended consequences of decades of “tough on crime” policies have resulted in a complex web of rules and regulations that effectively create permanent barriers to employment, housing, and education for people with a criminal record. Entire families and communities are affected when people are branded with a permanent criminal record.</p>	<p>The costs of housing people in New Mexico’s prisons and jails are well documented. The societal costs of the <i>impacts</i> that result from having a criminal record are not as well documented or understood. By creating an inventory of collateral consequences, this bill will help us better understand the fiscal impacts of a criminal record on individuals, families, and communities.</p>	<p>New Mexico struggles with recidivism rates like many other states.<sup>1</sup> However, studies show that it is possible to reduce recidivism statewide, partly by addressing employment and education.<sup>2</sup> The Orders of Limited Relief proposed in this bill provide opportunities to work, study, and become licensed in certain occupations. This bill not only helps people understand the consequences of a criminal record, it has the potential to reduce recidivism through access to employment, housing and education.</p>	<p><b>A</b></p>

<sup>1</sup><http://nmsc.unm.edu/reports/2015/understanding-recidivism-definitions-and-return-to-prison-rates-for-individuals-released-from-new-mexico-prisons-fy-2007fy-2011.pdf>.

<sup>2</sup>[https://csgjusticecenter.org/wp-content/uploads/2014/06/ReducingRecidivism\\_StatesDeliverResults.pdf](https://csgjusticecenter.org/wp-content/uploads/2014/06/ReducingRecidivism_StatesDeliverResults.pdf).