

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 14 CORRECTIONAL SERVICES
PART 2 COLLECTION AND ANALYSIS OF CRIMINAL AND JUVENILE JUSTICE DATA BY
THE NEW MEXICO SENTENCING COMMISSION

10.14.2.1 ISSUING AGENCY: New Mexico Sentencing Commission.
[10.14.2.1 NMAC - N, 1/1/2007]

10.14.2.2 SCOPE: This rule applies to state, county and municipal agencies that possess criminal or juvenile justice data.
[10.14.2.2 NMAC - N, 1/1/2007]

10.14.2.3 STATUTORY AUTHORITY: Sections 9-3-10, 9-3-10.1, 29-10-6 and 31-18-15 NMSA 1978.
[10.14.2.3 NMAC - N, 1/1/2007]

10.14.2.4 DURATION: Permanent.
[10.14.2.4 NMAC - N, 1/1/2007]

10.14.2.5 EFFECTIVE DATE: January 1, 2007, unless a later date is cited at the end of a section.
[10.14.2.5 NMAC - N, 1/1/2007]

10.14.2.6 OBJECTIVE: The objective of this rule is to establish procedures for the commission's collection, analysis and dissemination of criminal or juvenile justice data in the possession of agencies. The commission will use the data to support the provision of information to the executive, judicial and legislative branches of government on policy matters relating to criminal and juvenile justice.
[10.14.2.6 NMAC - N, 1/1/2007]

10.14.2.7 DEFINITIONS:
A. "Agency" means an executive or judicial agency in state, county or municipal government.
B. "Commission" means the New Mexico sentencing commission.
C. "Data" means criminal or juvenile justice records, data and information.
[10.14.2.7 NMAC - N, 1/1/2007]

10.14.2.8 COMMISSION RESPONSIBILITIES: The commission shall:
A. advise the executive, judicial and legislative branches of government on policy matters relating to criminal and juvenile justice;
B. study past and current sentencing and release practices and create a statistical database for simulating the impact of various sentencing policies;
C. assess the impact of commission recommendations to modify criminal sentencing policy on the availability of and need for correctional resources and programs;
D. serve as a clearinghouse for the systematic collection, analysis and dissemination of information relating to felony offense charges, plea agreements, convictions, sentences imposed, incarceration time actually served and actual and projected inmate population in the state correctional system;
E. publish an annual, written report that specifies the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses, as defined in Section 33-2-34 NMSA 1978, due to meritorious deductions earned by prisoners during the previous fiscal year.
[10.14.2.8 NMAC - N, 1/1/2007]

10.14.2.9 PROVISION OF AGENCY DATA TO THE COMMISSION:
A. In general, an agency shall provide agreed-upon data to the commission on at least an annual basis for the immediately preceding fiscal year. The agency data shall be provided to the commission no later than October 1 following the conclusion of the immediately preceding fiscal year.
B. When the commission directs its staff to collect data for a special research project, the commission shall file a written request with the appropriate agency for the necessary data. The agency shall respond to the written request in a timely manner.
C. When possible, agency data shall be provided electronically to the commission.

[10.14.2.9 NMAC - N, 1/1/2007]

10.14.2.10 SAFEGUARDS FOR AGENCY DATA:

- A.** The commission is not authorized to inspect data that:
- (1) is privileged under the New Mexico Rules of Evidence;
 - (2) compromises or tends to disclose any privileged record or information;
 - (3) consists of reports, memoranda or other internal documents given to or communications made to a prosecutor or defense attorney in connection with the investigation, prosecution or defense of a criminal case.
- B.** Data provided by an agency to the commission shall have the same legal status with regard to access or release as when the data was in the possession of the agency.
- C.** Prior to publishing a report, the commission shall allow an agency that provided data used in the report to review the report.
- D.** Data provided by an agency to the commission will be reported by the commission as statistical or analytical data. Names of individuals and all other personal identifiers will be removed from commission reports.

[10.14.2.10 NMAC - N, 1/1/2007]

10.14.2.11 BASIS OF DENIAL CONCERNING REQUESTS FOR COMMISSION DATA:

- A.** The commission may deny a request for data maintained by the commission when the request is:
- (1) made by an organization that gathers data from public sources and subsequently resells that data;
 - (2) burdensome or will hamper the operations of the commission;
 - (3) for data that is collected by the commission in a statistically invalid manner;
 - (4) for data in a format that is not maintained by the commission; or
 - (5) for data that is prevented by statute or court order from being released.
- B.** The commission may deny a request from any entity for a direct link to a commission database.

[10.14.2.11 NMAC - N, 1/1/2007]

HISTORY OF 10.14.2 NMAC: [RESERVED]