

Legislators Still Have Time to Pre-File

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(the guns) land in.”
The background check law would make it so private gun sales, or sales at gun shows, would have to be facilitated by a gun dealer.

The gun dealer would run a background check on the buyer, for a reasonable fee, and if the buyer came back as an eligible gun owner, the private sale would continue.

Martinez said he has only received positive feedback, so far, from his constituents for the bill, although the only point of contention has been language in the proposed bill for how much dealers could charge to run the background check.

“I’ve gotten some people who recommended that it not exceed \$40,” Martinez said.

The proposed bill would criminalize the sale or transfer guns without a background check, with exceptions for hunting and shooting at a designated shooting range. The first offense would be a misdemeanor, while the second and further offenses would be fourth-degree felonies.

Martinez said he was open to the idea of amending the bill to allow the temporary transfer of guns for those shooting on public lands, rather than at designated shooting ranges.

The bill also includes an exception for family members giving guns to each other and transfers between firearm dealers, between law enforcement agencies and to the person in charge of a will or estate following the owner’s death.

A similar bill was introduced three years ago, but because it was introduced so late in the session, it was filibustered on the Senate floor.

Martinez said, with the early introduction and the full slate of time allowed for changes to be made, he does not expect that much resistance.

When it comes to the governor’s signature, Gov. Susana Martinez’s staff indicated she’s leaning toward signing it.

Preventing fatal overdoses

In 2015, Richard Martinez introduced the same piece of legislation that he has for the 2017 legislative session, that would further shield people overdosing, from criminal prosecution and arrest related to their overdose.

Senate Bill 47, called Further Overdose Assistance Immunity, would strengthen his 2007 law, which was the first of its kind in the nation.

The current law prevents those who call 911 or other emergency services to report an overdose, or those who are overdosing, from being arrested for possession of drug paraphernalia or possession of a controlled substance if the evidence of the crime is gained from the intervention caused by the 911 call.

Martinez’s revision would add alcohol-related overdoses to drug-related overdoses, prevent callers or the over-doser from being arrested for violating a restraining order at those calls, or being vio-

lated on their probation or parole.

It does not, however, prevent someone from being arrested on a warrant.

Richard Martinez said he had not thought about the issue of warrants when he originally drafted the bill.

The senator co-chairs the Courts, Corrections and Justice Committee, to which that bill will come, and said he will try to amend it then, to add protection for those with warrants.

The 2015 version of the bill sailed through Committee hearings, and then passed in the Senate, but failed to make it to the House floor.

In a March 23, 2015 interview, Martinez said the bill didn’t pass the House in 2015 because he didn’t get it scheduled for a vote in time.

During a March 5, 2015 Committee hearing, Sen. Daniel Ivey-Soto, D-Bernalillo County, said he has spent a large portion of his life as a prosecutor or as a public defender. Often he saw the fear his clients, or those he was prosecuting, had when they were forced to call 911, because it could mean they would have their probation violated and be sent back to jail.

The bill would eliminate that problem, he said.

Currently, if a probationer calls 911 to report an overdose or other emergency, he could have his probation violated if he is found around drugs, alcohol or drug paraphernalia.

Richard Martinez said the purpose of the bill is to make people more likely to call 911.

Judge pro tempore

Richard Martinez’s final contribution to the early filing period is the proposed creation of an account, to take private and charitable funds, to pay for temporary district court judges.

He proposed the same bill in the last full legislative session in 2015 and it passed both houses, but it was vetoed by the governor.

“She felt that this money should come out of the Administrative Office of the Courts bud-

get,” Richard Martinez said. “They just don’t have it. All we’re doing is allowing them to receive outside funding.”

He is no stranger to having an uphill battle for his bills. One, that dealt with reimbursement rates for prisoners, took seven years to pass.

He plans on introducing more bills once the session officially opens on Jan. 17. He passed the deadline for early filing for the other bills he wanted to introduce.

Rodella files no pre-filed legislation

District 41 Rep. Debbie Rodella, D-Rio Arriba, Santa Fe and Taos counties, didn’t pre-file any legislation before the Jan. 13 deadline. However, that doesn’t mean she won’t.



Rodella

Once the session opens, legislators will have approximately one month, or until Feb. 16, to introduce the bills, memorials and resolutions they want Gov. Martinez to sign.

She could reintroduce several bills that failed to gain traction during the 2015 and 2016 legislative sessions, such as House Bill 212. The 2015 bill would have set up a health care fund from the Gross Receipt Taxes paid by certain health care providers with a goal of giving assistance to federal energy workers.

Before the bill can be introduced, it would most likely be tweaked and assigned a new number.

Rodella didn’t return a telephone call seeking comment on her legislative priorities for next week’s session.

Nick Salazar refiles failed bills

Rep. Nick Salazar, D-Cofax,

Mora, Rio Arriba, and San Miguel counties, did not pre-file any legislation, and now must wait to file any bills until the session begins.



Salazar

Salazar plans to reintroduce two bills that died during the 2016 regular session. One bill would set aside \$2 million in General Fund money for senior center services, in-home care and transportation.

He said he also plans to refile a bill to send \$100,000 in General Fund money to New Mexico Highlands University for a program that would prepare undergraduate students for medical school or jobs in the healthcare field.

Outside of specific legislation, passing a balanced budget is Salazar’s priority, he said. He is a member of the House Appropriations and Finance Committee.

“I hope people understand that if we can’t do everything for them in the coming year, it’s not because of lack of effort, but because of lack of money,” Salazar said.

The state still needs to come up with ways to make up for a \$75 million budget deficit, Salazar said. The state constitution requires lawmakers to pass a balanced budget at the end of every fiscal year.

“Two years ago, we gave a big tax to industry,” he said. “We want to go back and try to recover that.”

The last things he would consider to balance the budget would be further increases to sales taxes on food or cuts to higher education.

“Those would hit regular people in the pocket,” Salazar said.

Description of Assailant Vague

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pando’s girlfriend, Nicole Archuleta, 36, she corroborated Vialpando’s version of events.

“Basically, she said the same thing,” Vigil said.

Both described Vialpando’s attacker as being short, between 5-feet-6-inches to 5-feet-7-inches tall, skinny, weighing between 130 and 140 pounds, bald and dark-skinned.

“It’s a very vague description,” Vigil said.

Neither Vialpando nor Archuleta noted the assailant’s license plate number.

“We’ve had no witnesses that have come forward and all that we have is what Vialpando provided to the officers,” Vigil said.

How, exactly, it could be a road rage incident, as Vialpando described, is a little confusing to Vigil.

“It leaves me a little baffled,” he said. “According to their statements, they just stopped at the traffic light, (and) as the

“I’m not sure if it really is road rage or if they’re actually acquaintances and (they) happened to run into each other.”

Matthew Vigil
Deputy chief

suspect approached, they began to physically fight. I’m not sure if it really is road rage or if they’re actually acquaintances and (they) happened to run into each other.”

Anyone with information about the incident can contact the Española Police Department at 747-6009.

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