

1 A MEMORIAL

2 REQUESTING THE ADMINISTRATIVE OFFICE OF THE DISTRICT
3 ATTORNEYS TO GUIDE AND ASSIST VICTIMS OF CRIME IN ENFORCING
4 ORDERS OF RESTITUTION IN MEMORY OF REECE MICHAEL NORD.

5
6 WHEREAS, although the failure of an offender to comply
7 with an order of restitution constitutes a violation of the
8 offender's probation and parole, once the probationary or
9 parole term expires, the court no longer has jurisdiction and
10 cannot enforce restitution payments; and

11 WHEREAS, a court without jurisdiction to enforce
12 restitution payments pursuant to its order leaves offenders
13 without an incentive to continue paying restitution to the
14 victims; and

15 WHEREAS, offenders start anew after completion of their
16 sentence while victims live as survivors of crime, and, after
17 enduring the court process, which may take years, victims of
18 crime rarely receive the full restitution ordered by the
19 court; and

20 WHEREAS, when offenders do not pay the restitution in
21 full, victims bear the burden of enforcing the court order
22 for the remaining amounts due; and

23 WHEREAS, Section 31-17-1 NMSA 1978 states that an order
24 of restitution constitutes a judgment and lien against all of
25 the defendant's property and may be enforced in the same

1 manner as a civil judgment; and

2 WHEREAS, victims need the assistance of local district
3 attorneys and victim advocates to guide them through the
4 civil process of securing a lien against the offender's
5 property, pursuing garnishment and otherwise enforcing the
6 order of restitution;

7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
8 STATE OF NEW MEXICO that the administrative office of the
9 district attorneys be requested to examine the issue of
10 restitution payments to victims and study possible solutions,
11 including how to guide, educate and assist victims in
12 enforcing orders of restitution and otherwise receiving the
13 full restitution to which they are entitled; and

14 BE IT FURTHER RESOLVED that the administrative office of
15 the district attorneys report on this study to the
16 appropriate interim legislative committee before October
17 2011; and

18 BE IT FURTHER RESOLVED that a copy of this memorial be
19 transmitted to the director of the administrative office of
20 the district attorneys. _____