

Titus House Newsletter

Titus House Ministries, PO Box 2376, Tijeras, NM 87059

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2020 Session Final Legislative Update

February 23, 2020 by Larry Neely



The 2020 session of the New Mexico Legislature adjourned at noon Thursday. Liberty & Justice Coalition (LJC) is disappointed that more was not done in terms of criminal justice reform. LJC had hoped that this governor would be the champion of positive reform. Since she has not thus far proven to be, we are extremely grateful to our legislative partners that most of the horrendous proposals were defeated. Because of the public concern over New Mexico's crime and elevated crime rate, a plethora of draconian bills creating new crimes and significantly increasing sentences were introduced. Some of these proposals have been circulating for many years.

A member of the New Mexico Criminal Defense Lawyers Association (NMCDLA) pointed out that it is now eleven months until the next legislative session. He recommended that "Instead of playing defense after introduction of bills that are so bad they're actually stupid, and instead of responding to idiocy from DA Raul Torrez or Chief Geier or Sheriff Gonzalez or AG Balderas, who was behind a horrific bill on SORNA, we should go on offense." LJC agrees and will work with the NMCDLA in crafting sensible reform proposals.

SORNA THREAT

HB 237: Thankfully, this massive 32-page proposal did not make it to the finish line. It received a "Do Pass" recommendation from both House committees and was passed by the full House. We worked hard to educate the members of the Senate Judiciary Committee (SJC) that this proposal was misguided and should be amended or killed. Due to our work, it was not heard in the SJC and died. Unfortunately, we do anticipate it will return in 2021. This 32-page, overreaching piece of legislation was proposed in a sinister attempt to moot LJC's federal lawsuit and in response to the highly sensationalized cases involving Jeffrey Epstein and James Stewart.

HB 33: THREE STRIKES EQUALS LIFE SENTENCE

This proposal was sponsored by Representative Bill Rhem and has been defeated multiple times in previous years. It includes additional felonies in the Criminal Sentencing Act for the purpose of mandatory life imprisonment without the possibility of parole for three violent felony convictions. An exception provides for parole eligibility for certain inmates who are at least 60 years old. The proposal was determined not germane, which means it was not considered this session. We can expect the proposal to return in 2021.

HB 34: HABITUAL SENTENCING EXPANDED

This bill proposes that a prior felony conviction within twenty-five years of a subsequent felony conviction be considered for the purpose of habitual offender sentencing. Our current statutory scheme does not permit habitual enhancement for convictions more than ten years old. LJC opposes this change. The proposal was determined not germane, which means it is died for this session. We can expect the proposal to return in 2021.

HB 36: NO TIME LIMIT FOR 2nd DEGREE MURDER

This bill was sponsored by Representative Bill Rhem and is identical to legislation he has carried the last two years. The proposal amends the Criminal Code to remove the statutory time limitation for commencing prosecution for the crimes of murder in the second degree, felony trafficking of controlled substances, and for capital felonies or first-degree violent felonies.

LJC opposed this proposal as we have done in previous years. The proposal was determined not germane, which means it died for this session.

HB 263: PROBATION AND PAROLE BILL

This bill is sponsored by numerous representatives including Antonio Maestas, Gail Chasey, William "Bill" R. Rehm, Jane E. Powdrell-Culbert, and Alonzo Baldonado. This was touted as a criminal justice reform bill with clarification on probation and parole procedures. Unfortunately, it was not. At first glance, it moves in the right direction with distinguishing (SEE PAGE 2)



JANICE'S JOURNAL: 20/20: THE YEAR OF PERFECT VISION From ACSOL

We have now begun the year 2020. When I first used the year on a personal check, the digits of that number popped out at me. 2020. Where have I seen that before? The answer was easy. On a prescription for eyeglasses. No, my vision without glasses is not 20/20. However, the eyeglasses I have been prescribed and wear help me perfect my vision to 20/20 which helps me to see more clearly. What if the year 20/20 is meant to provide us all with opportunities to see more clearly? What if members of the registrant community, on parole or probation, could see more clearly that it is to their advantage to create a positive relationship with their parole/probation officer? What if parole and probation officers saw that the real purpose of their job is to help registrants, not harm them? What if the public saw that the information they believe to be true about



registrants' re-offense rates is false and that in fact registrants' re-offense rates are very low? What if the public saw that sex offender registries provide them with a false sense of security because those who are likely to harm their children are family members, teachers, coaches and members of the clergy, not registrants? What if legislators saw that the new laws they continue to introduce harm registrants and their families but do not achieve their stated goal of increasing public safety? What if legislators introduced and passed laws that do in fact increase public safety such as helping registrants find good jobs and housing?

My list of "what if's" could continue until next year. For there is so much to see with perfect vision. It is my hope that many people, including registrants and their loved ones, will use their perfect vision to determine the best way they can Show Up, Stand Up and Speak Up in 2020. For it is only by doing this that true progress can be made, that their civil rights can be restored. We need to show the world that the label "sex offender" is meaningless, perhaps dangerous and punishing. That it does not define the person to whom it has been applied. We need to show the world that those labeled "sex offender" are doing their best with the scarce resources they are able to obtain. We need to show the world that those labeled "sex offender" are law abiding citizens, not monsters.

Time to Purge Bloated Sex Offender Registries

by Diane Dimond

Those who fight for a more equitable way to keep track of sexual predators won a big victory in Michigan last week. That is a state with some 44,000 names on its sexual offenders registry.

U.S. District Court Judge Robert Cleland put his foot down and gave the Michigan legislature 60 days to rewrite its current "unconstitutional" registry statute. Last spring, Cleland set a 90-day deadline for lawmakers to rework the law, but he was ignored. This time, he's serious.

Everyone agrees we need to keep track of career sex criminals after they are released from prison. Once they've been convicted of violent sex crimes, it's possible they'll reoffend. A public safety monitoring system makes sense.

But understand that these state registries — there is one in every state — are bloated beyond belief with many names that shouldn't be there. Registries were mandated by federal law in the mid-'90s to keep watch over ex-convict pedophiles who sexually targeted children. Somewhere along the line, we lost our way.

Included in the registry over the years have

been: a 10-year-old female caught "play-acting sex" and then branded with "criminal sexual conduct" charges; a 19-year-old boy caught with his 15-year-old girlfriend; drunks discovered urinating or streaking in public; average citizens unjustly accused of sex crimes during ugly divorces; and men duped into believing that an intimate partner was not a minor when she was. Many of these people, often caught up in a moment of normal human passion, have been forced to register as sex criminals — for the rest of their lives.

Update From Page 1

between technical and non-technical violations. It requires treatment, sanctions, and incentives prior to incarceration. However, a deeper analysis reveals that it leaves out any of these protections for those on probation or parole for ANY sexual offense. Additionally, it would have removed judicial discretion on converting from supervised to unsupervised probation for any sexual of-

fense. For these reasons, LJC did not support the bill and are pleased that it died.

SB 97: NO STATUTE OF LIMITATION FOR SEXUAL CRIMES AGAINST CHILDREN

This bill is sponsored by Senator Jeff Steinborn and would amend the Criminal Code to amend the statute of limita-

tions in cases of sexual crimes against children. If passed, the state could commence prosecution at any time until the alleged victim (minor) reaches age thirty. LJC vigorously opposed this legislation. The bill was heard in the Senate Public Affairs Committee and received a "Do Pass" recommendation. It then went to the Senate Judiciary Committee where it died for this session.



What a difference a day (on the sex offender registry) makes

By Sandy . . . Several decades ago, a boy by the name of Adam Oakey was the bane of the Albuquerque, New Mexico, police department with an extensive juvenile record. As an adult arrested six times on various charges of assault and battery between 1997 and 2007, he was described as the stuff of which nightmares are made.

Hearing him speak now of working to keep young people from heading down the same path, it is no wonder he is being recognized and lauded in the media for turning his life around. Certainly he deserves the recognition and the praise. He is almost being given the status of a folk hero, a status not at all diminished by the slogan “From the streets to the cage to the courtroom.”

In his late thirties, Adam started law school, passed the New Mexico bar exam in 2018, and today has his own law firm. He has proven that he deserved the second – and third and fourth and fifth – chance given to him.

In Kentucky a young man of 22, Guy Hamilton-Smith, was wrestling with demons of his own. In 2006 he was arrested for possession of child pornography. Guy was subsequently admitted to the University of Kentucky law school where he did well and graduated in the top third of his class.

However, when the time came for Guy to sit for the bar, he was denied due to his sexual offense conviction and his placement on the Kentucky sexual offense registry. He fought this, going all the way to the Kentucky Supreme Court. The Court upheld the decision to deny Guy the right to sit for the bar. The ruling included the statement that he can take the exam when his duty to register expires and he is no longer listed; he will be 49 when that occurs.

Guy has become a prominent civil rights advocate and criminal justice analyst, earning fellowships and becoming well known in the advocacy world. He has proven himself to be a skilled writer and public speaker, using the platforms to promote his message wherever possible: Having a chance at redemption and being allowed the opportunities for overcoming past mistakes should be available to everyone who wants them.

In 2003 Kobe Bryant was a shining star on the basketball court. That is the year

in which he was accused of sexual assault. Even though criminal charges were brought, they were dropped after the accuser refused to testify but instead brought a civil suit which was settled out of court. Bryant admitted to a sexual encounter with the woman but denied the assault charge. He issued a public apology and continued with his professional athletic career, being recognized as one of basketball’s all-time greats.

When he, along with his young daughter and others, were recently killed in a helicopter crash, accolades for him and his athletic skills poured in from every source. When a Washington Post reporter sent out a series of Tweets regarding his earlier sexual assault charges, she was suspended for a brief period by the Post, and she reported receiving “tens of thousands” of angry replies as well as death threats on Twitter regarding her mentions of Kobe’s past accusation.

In 2017 Luke Heimlich was a rising star on the baseball field. Still at Oregon State University where he, as a pitcher, was leading his team to victory after victory, he was a shoo-in for his choice of professional teams in the upcoming draft.

That is also the year that something he had done as a child came up to haunt him and subsequently destroy his career.

In 2012, Luke was convicted of sexual molestation by inappropriate touching of a younger female relative. Luke was 12 or 13 when it happened, 15 when convicted. He successfully completed a period of probation that included a diversion program and therapy designed specifically for children who have been sexually inappropriate. He was put on Washington’s sexual offense registry, but because that state does not make public the offenders like Luke who are assessed as a very low risk to re-offend, he was doing what benefits society. He was moving forward and building a life as a law-abiding, contributing member.

That all came crashing down around his head in 2017 when his status as a registered sexual offender, always known by the university, was unearthed by a reporter and widely publicized.

Condemnation came from every corner. Comment boards on articles about Luke were filled with diatribes about him. The brave few who dared suggest that

he had been a child, that he deserved a second chance, were shouted down with accusations, name calling, and even death threats against those writers.

It was all over. Luke did not play in the play-offs; he was not drafted in 2017 or 2018 by any MLB team. Later in 2018, he was scouted by a team with the Chinese Professional Baseball League. He was signed and then terminated the same day with the league citing zero tolerance for players with criminal records. Today he is playing with a league in Mexico.

Four men, all with criminal misconduct histories. Two managed their difficulties without the specter of public registration hanging over their heads. Today one is a respected, honored attorney. The other, though deceased, lives on in his legacy of athletic prowess and honor.

The other two were not as fortunate. One, a law school graduate as fully qualified in all respects but one as his counterpart, is denied the opportunity to practice the profession for which he dedicated years of his life training. The other, an athlete with every promise of achieving greatness equal to that of his counterpart, is ostracized and shamed, demeaned on every hand, and driven from his native country.

It is wonderful when those who have histories and backgrounds of anti-social, even criminal, behavior are able to overcome their bad beginnings or actions and become persons worthy of praise and honor. It is wonderful that society favors giving them second – and sometimes third and fourth – chances and they take advantage of them and live worthy, productive lives.

It is horrible, and it is a blight on our society, that not all who want that second chance are given it. The denied individuals suffer, but we as a society suffer more.

The loss is incalculable, and as long as we hold on to the blight that is the sexual offense registry and use it as a guideline for bestowing or withholding second chances and opportunities for redemption, the loss will flourish and grow without ceasing, and we will continue to be the worse for it.



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Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

Remember if you change your address you need to let us know if you want to continue to receive this newsletter



TEN YEARS AT LA PASADA HALFWAY HOUSE by Alice

La Pasada is a halfway house in Albuquerque, NM that holds about 100 people. It is a three story building sitting close to I-40 freeway. I have actually been going there more than ten years and it has become a very enjoyable part of my life. I went there as a single person who had just gotten acquainted with the world of sex offenders. At that time I was attending a local church in town who upon my interest in La Pasada they almost threw me out. I had gotten excited about this new (to me) ministry and couldn't stop talking about it at the adult Sunday School class. Finally some concerned people in the church called me aside and asked me to calm down about involving the whole church in my new interest. I consented but began my tour of churches to find out if anyone cared two cents about the plight of sex offenders. At this time I had found out there are at least 26 ways a person could be a sex offender. That confused my thinking and to make matters worse the young man who had taught a Sunday School class in a church on the west side of Albuquerque wrote me a letter from prison. His wife accused him of molesting their two small children. He asked me to please visit him. I had never been in a prison in my life. I tried to avoid it but I was accepted so I went with mixed emotions. We spent several visits outlining some thoughts about a manual to assist sex offenders get their lives back.

Little did I know at that time I would meet Don Johnston a year later who had been in prison for years for a crime he didn't commit. We have been married for nine years.

We in the US punish sex offenders with long sentences so we have five times the prison rate of other civilized countries. When released they are publically labeled as no other type of offender has to be singled out.

La Pasada is the only halfway house for sex offenders in NM approved by the Corrections Department. Many inmates wait 18 months or more before getting in. That means, of course, spending much more time at New Mexico's expense waiting in prison.

Our ministry now involves inmates in over half the US. We send them mentoring sheets to fill out and return to us. We also send anyone who requests it our monthly newsletter. We try to answer all personal letters but it is getting difficult. We have a monthly support group at Foothills Church in Albuquerque, a church that bravely invites "our people" to attend services. One of "our people" has been hired for janitorial work at this church and has a very responsible position. He has a key to the church and is highly valued.

Thank you for believing in Titus House. We will do our best as long as we can. Many thanks for your love and support.

Searchlight New Mexico

Ike Swetlitz is a journalist with Searchlight New Mexico, a non-profit news organization. Searchlight publishes stories online at www.searchlightnm.org, and also shares their stories with radio, TV, New Mexico newspapers, and national publications. Ike is working on a story about the transition out of prison for people with sex offense convictions, and

he is interested in speaking with people to learn about your experiences. He does not need to use your real name in his story. You can contact him by phone at 505-469-0657, email at ike@searchlightnm.org, or physical mail at Ike Swetlitz c/o Searchlight New Mexico, 202 E Marcy St, Santa Fe, NM, 87501.

Circle of Concern

Circle of Concern is aimed at breaking down isolation and fear by providing a safe place for registrants and their loved ones to get together, build community, and learn ways to step out and take charge of their lives and overcome the stigma

they face. The Circle of Concern is a group of concerned registered citizens, family and friends that meet together on the 3rd Sunday of each month. We are meeting this month on March 15, 2020 at 4 pm—6 pm. We will be having a potluck. We meet at Foothills Fellowship



Church, corner of Tramway and Candelaria on the far east side of Albuquerque. We encourage and try to help each other. It is a safe place to share our strengths and struggles. We hope you will join us. If you are planning to attend call Don at (505) 315-7940.