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SECRETARY OF STATE

## State of New Mexico

Michelle Lujan Grisham  
*Governor*

April 7, 2023

### SENATE EXECUTIVE MESSAGE NO. 31

The Honorable Mimi Stewart, President Pro Tempore  
and Members of the New Mexico State Senate  
State Capitol Building  
Santa Fe, New Mexico 87501

Dear President Pro Tempore Stewart and Members of the Senate:

I have decided to veto SENATE BILL 187 ("SB 187"), which would have eliminated felony convictions for non-distribution possession of illicit drugs and driving under the influence of drugs or alcohol as "prior felony convictions" for the purpose of enhancing criminal sentences as a habitual offender under Section 31-18-17 NMSA 1978.

I fully support the intent behind SB 187, which is to treat those suffering from drug and alcohol addiction rather than incarcerate them. I believe we need to provide more resources for those who struggle with addiction; punishment alone is not an effective way to treat the issue. But after careful consideration, I am troubled that SB 187 could produce the opposite of the intended effect. While I understand SB 187 would greatly reduce or eliminate the habitual offender enhanced penalty for many who have prior felony convictions because of drug or alcohol addiction, prosecutors currently use the habitual offender enhancement as a tool to encourage defendants to get treatment for their addiction. By taking away this tool, we risk losing an important incentive for defendants to get the help they need. I strongly encourage the bill's sponsors to work with stakeholders and prosecutors to come up with a more effective and robust solution next year.

Because of these issues, and pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed SENATE BILL 187, enacted by the Fifty-Sixth Legislature, First Session, 2023.

Respectfully yours,

A handwritten signature in black ink that reads "Michelle Lujan Grisham".

Michelle Lujan Grisham  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 11:06 a.m. p.m.

Date: April 6, 2023

By Tommy B. Padilla  
for Secretary of State of New Mexico

Time: 11:37 a.m. p.m.

Date: 4-7- 2023

By Jayna  
for Chief Clerk of the Senate