

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

Odyssey ECR Report – DQ - Charge Codes 7506 and 7549

(7506) 30-31-23(B)(1) – Possession of Controlled Substance (Marijuana) Up to One-Half Ounce

(7549) 30-31-25.1(A) – Possession of Drug Paraphernalia

Standard Operating Procedure

Version 1.01

Created: (02/2020)

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(7506) 30-31-23(B)(1) – Possession of Controlled Substance (Marijuana) Up to One-Half Ounce
(7549) 30-31-25.1(A) – Possession of Drug Paraphernalia

COURT / DEPARTMENT / DIVISION

This procedure may be used by all courts staff, District, Metro and Magistrate

PURPOSE

This Data Quality report will assist courts in reviewing cases that include charge codes 7506 & 7549. Courts may utilize this report to determine if specific plea types, dispositions and sentences have been correctly entered to meet the requirements of the legislation (SB323, Effective 7-1-19).

NAVIGATION

This report utilizes List Manager for easily working case by case or creates a PDF report document; either or both options may be selected by the User

INTRODUCTION

This is a Data Quality Report that assists courts in verifying charges ((7506) 30-31-23(B)(1) – Possession of Controlled Substance (Marijuana) Up to One-Half Ounce and (7549) 30-31-25.1(A) – Possession of Drug Paraphernalia) include specific pleas, dispositions and sentencing criteria as outlined in SB323. This report generates case data that **does not appear to meet the criteria** for non-criminal adjudication as required by SB323.

STEPS

1. From the Odyssey Left Navigation menu, select Enterprise Custom Reports > Run and Enterprise Custom Report.



2. Select the appropriate court location from court listing
3. A list of ALL ECR Reports are displayed
4. From this List, navigate to 'DQ – Charge Codes 7506 and 7549'

DQ-Charge Codes 7506 and 7549

Produces a list by court by sentencing date of charges 7506 and 7549 which were either a) not proper

5. Select this option to generate this report
6. The option to enter report parameters displays
7. Enter the desired parameters to generate court specific data:
 - a. Select Court Location
 - b. Enter First Sentencing Date – (These statutes became **effective on 7-1-19**)
 - c. Enter Last Sentencing Date – (Use the ‘T’ option for today’s date and for scheduling report)
 - d. Select Output Option – (List Manager or PDF Report Format)
 - e. Select Submit
 - f. Add Email Notification, if desired
 - g. Memorize report parameters, if desired
 - h. Schedule report, if desired

DQ-Charge Codes 7506 and 7549

Produces a list by court by sentencing date of charges 7506 and 7549 which were either a) not properly pled; b) not properly dispositioned, or c) not properly sentenced per statute

Clear Memorize Recall

Court: Magistrate Courts, Catron County

First Sentencing Date: 07012019 Monday, July 1, 2019

Last Sentencing Date: t Thursday, February 20, 2020

Output Format: PDF Format (selected), List manager, PDF Format


Submit Schedule Exit

8. The report generates case data that **does not appear to meet the criteria** for non-criminal adjudication.
 - a. Plea Entered: Per Requirements enter **Admit** or **Deny**
 - b. Disposition Type: Per Requirements enter:
 - i. **Penalty Assessment – Non Criminal Adjudication – Violation FOUND**
 - ii. **Penalty Assessment – Non Criminal Adjudication – NO Violation**
 - c. Sentence Type: Per Requirements enter:
 - i. **Penalty Assessment – Non Criminal Adjudication – Violation FOUND**
 - ii. **Penalty Assessment – Non Criminal Adjudication – NO Violation**

9. **Link to SB323 Effective 7-1-19:**

<https://www.nmlegis.gov/Sessions/19%20Regular/final/SB0323.pdf>

10. Specific Statute Information (7506):


 **30-31-23. Controlled substances; possession prohibited.**

A. It is unlawful for a person intentionally to possess a controlled substance unless the substance was obtained pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice or except as otherwise authorized by the Controlled Substances Act. It is unlawful for a person intentionally to possess a controlled substance analog.

B. A person who violates this section with respect to:

(1) up to one-half ounce of marijuana shall be issued a penalty assessment, pursuant to Section 3 of this 2019 act and is subject to a fine of fifty dollars (\$50.00);

11. Specific Statute Information (7549):

 **30-31-25.1. Possession, delivery or manufacture of drug paraphernalia prohibited; exceptions.**

A. It is unlawful for a person to use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. The provisions of this subsection do not apply to a person who is in possession of hypodermic syringes or needles at the time the person is directly and immediately engaged in a harm reduction program, as provided in the Harm Reduction Act [24-2C-1 to 24-2C-6 NMSA 1978].

B. It is unlawful for a person to deliver, possess with intent to deliver or manufacture with the intent to deliver drug paraphernalia with knowledge, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. The provisions of this subsection do not apply to:

(1) department of health employees or their designees while they are directly and immediately engaged in activities related to the harm reduction program authorized by the Harm Reduction Act; or

(2) the sale or distribution of hypodermic syringes and needles by pharmacists licensed pursuant to the Pharmacy Act [Chapter 61, Article 11 NMSA 1978].

C. A person who violates the provisions of Subsection A of this section shall be issued a penalty assessment pursuant to Section 3 [31-19A-1 NMSA 1978] of this 2019 act and is subject to a fine of fifty dollars (\$50.00). A person who violates the provisions of Subsection B of this section is guilty of a misdemeanor.