

Special Commission on Qualified Immunity
Friday, July 16, 2021, at 11 AM
(virtual meeting)

Commissioner Present:

- Chairman Day
- Chairman Eldridge
- Leader Peake
- Chairman Straus
- Senator Cyr
- Senator Creem
- Representative Xiarhos
- Commissioner Reddy
- Commissioner Ryan
- Commissioner Segal
- Commissioner DeRensis
- Commissioner Sweeney

Commissioners Absent:

- Senator Tarr – Hiram Shah attended as a proxy
- Commissioner Espinoza-Madrigal

Chair Day called the meeting to order. Commissioner DeRensis moved to accept minutes circulated for the June 4, 2021, meeting. Motion was seconded by Commissioner Creem and unanimously approved by members present.

Chair Day led a review and discussion of Chapter 253 of the Acts of 2020 (commonly referred to as “Police Reform Law”), as it relates to the qualified immunity doctrine. Commissioners expressed their differing opinions on the subject.

Chair Day then led a review and discussion of recent changes made to qualified immunity in New Mexico, Colorado, Connecticut, New York City, Iowa, and Arkansas. Chair Day welcomed Justice Richard C. Bosson, retired Justice of the New Mexico Supreme Court and Chair of the Civil Rights Commission, to discuss legislation recently passed in New Mexico.

The Commission reviewed the statutory charge, noting the reporting deadline of September 30, 2021. The Commission then discussed potential topics for future meetings, including welcoming input from members of the public and hearing from practitioners who have represented plaintiffs and defendants in qualified immunity cases in the Commonwealth.

Chair Day proposed the Commission next meet on Friday, August 20, 2021, at 11AM. Members agreed.

Chair Day entertained a motion to adjourn the meeting. Chair Eldridge so moved, Commissioner Peake seconded, and it was unanimously approved by members present. Chair Day thanked everyone for their participation and ended the meeting.