

1 HOUSE BILL 385

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Stefani Lord and John Block

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10 AN ACT

11 RELATING TO CRIMINAL SENTENCING; PROVIDING FOR CHEMICAL  
12 CASTRATION TREATMENT AS A CONDITION OF PAROLE FOR SEX  
13 OFFENDERS; PROVIDING THAT REFUSAL TO UNDERGO CHEMICAL  
14 CASTRATION TREATMENT IS A PAROLE VIOLATION.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 31-21-10.1 NMSA 1978 (being Laws 2003  
18 (1st S.S.), Chapter 1, Section 9, as amended by Laws 2007,  
19 Chapter 68, Section 4 and by Laws 2007, Chapter 69, Section 4)  
20 is amended to read:

21 "31-21-10.1. SEX OFFENDERS--PERIOD OF PAROLE--TERMS AND  
22 CONDITIONS OF PAROLE.--

23 A. If the district court sentences a sex offender  
24 to a term of incarceration in a facility designated by the  
25 corrections department, the district court shall include a

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1 provision in the judgment and sentence that specifically  
2 requires:

3 (1) the sex offender to serve an indeterminate  
4 period of supervised parole for a period of:

5 [~~(1)~~] (a) not less than five years and  
6 not in excess of twenty years for the offense of kidnapping  
7 when committed with intent to inflict a sexual offense upon the  
8 victim, criminal sexual penetration in the third degree,  
9 criminal sexual contact of a minor in the fourth degree or  
10 sexual exploitation of children in the second degree; or

11 [~~(2)~~] (b) not less than five years and  
12 up to the natural life of the sex offender for the offense of  
13 aggravated criminal sexual penetration, criminal sexual  
14 penetration in the first or second degree, criminal sexual  
15 contact of a minor in the second or third degree or sexual  
16 exploitation of children by prostitution in the first or second  
17 degree; and

18 (2) the sex offender to undergo chemical  
19 castration treatment pursuant to Section 31-21-10.3 NMSA 1978  
20 as a condition of parole.

21 A sex offender's period of supervised parole may be for a  
22 period of less than the maximum if, at a review hearing  
23 provided for in Subsection C of this section, the state is  
24 unable to prove that the sex offender should remain on parole.

25 B. Prior to placing a sex offender on parole, the

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1 board shall conduct a hearing to determine the terms and  
2 conditions of supervised parole for the sex offender. The  
3 board may consider any relevant factors, including:

4 (1) the nature and circumstances of the  
5 offense for which the sex offender was incarcerated;

6 (2) the nature and circumstances of a prior  
7 sex offense committed by the sex offender;

8 (3) rehabilitation efforts engaged in by the  
9 sex offender, including participation in treatment programs  
10 while incarcerated or elsewhere;

11 (4) the danger to the community posed by the  
12 sex offender; and

13 (5) a risk and needs assessment regarding the  
14 sex offender, developed by the sex offender management board of  
15 the New Mexico sentencing commission or another appropriate  
16 entity, to be used by appropriate parole board personnel.

17 C. When a sex offender has served the initial five  
18 years of supervised parole, and at two and one-half year  
19 intervals thereafter, the board shall review the duration of  
20 the sex offender's supervised parole. At each review hearing,  
21 the attorney general shall bear the burden of proving by clear  
22 and convincing evidence that the sex offender should remain on  
23 parole.

24 D. The board may order a sex offender released on  
25 parole to abide by reasonable terms and conditions of parole,

1 including:

2 (1) being subject to intensive supervision by  
3 a parole officer of the corrections department;

4 (2) participating in an outpatient or  
5 inpatient sex offender treatment program;

6 (3) a parole agreement by the sex offender not  
7 to use alcohol or drugs;

8 (4) a parole agreement by the sex offender not  
9 to have contact with certain persons or classes of persons; and

10 (5) being subject to alcohol testing, drug  
11 testing or polygraph examinations used to determine if the sex  
12 offender is in compliance with the terms and conditions of the  
13 sex offender's parole.

14 E. The board shall require electronic real-time  
15 monitoring of every sex offender released on parole for the  
16 entire time the sex offender is on parole. The electronic  
17 monitoring shall use global positioning system monitoring  
18 technology or any successor technology that would give  
19 continuous information on the sex offender's whereabouts and  
20 enable law enforcement and the corrections department to  
21 determine the real-time position of a sex offender to a high  
22 level of accuracy.

23 F. The board shall notify the chief public defender  
24 of an upcoming parole hearing for a sex offender pursuant to  
25 Subsection C of this section, and the chief public defender

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1 shall make representation available to the sex offender at the  
2 parole hearing.

3 G. If the board finds that a sex offender has  
4 violated the terms and conditions of the sex offender's parole,  
5 the board may revoke the sex offender's parole or may modify  
6 the terms and conditions of parole.

7 H. The provisions of this section shall apply to  
8 all sex offenders, except geriatric, permanently incapacitated  
9 and terminally ill inmates eligible for the medical and  
10 geriatric parole program as provided by the Parole Board Act.

11 I. As used in this section, "sex offender" means a  
12 person who is convicted of, pleads guilty to or pleads nolo  
13 contendere to any one of the following offenses:

14 (1) kidnapping, as provided in Section 30-4-1  
15 NMSA 1978, when committed with intent to inflict a sexual  
16 offense upon the victim;

17 (2) aggravated criminal sexual penetration or  
18 criminal sexual penetration in the first, second or third  
19 degree, as provided in Section 30-9-11 NMSA 1978;

20 (3) criminal sexual contact of a minor in the  
21 second, third or fourth degree, as provided in Section 30-9-13  
22 NMSA 1978;

23 (4) sexual exploitation of children in the  
24 second degree, as provided in Section 30-6A-3 NMSA 1978;

25 (5) sexual exploitation of children by

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1 prostitution in the first or second degree, as provided in  
2 Section 30-6A-4 NMSA 1978; or

3 (6) child solicitation by electronic  
4 communication device, as provided in Section 30-37-3.2 NMSA  
5 1978."

6 SECTION 2. A new section of the Probation and Parole Act,  
7 Section 31-21-10.3 NMSA 1978, is enacted to read:

8 "31-21-10.3. [NEW MATERIAL] CHEMICAL CASTRATION TREATMENT  
9 AS A CONDITION OF PAROLE FOR SEX OFFENDERS.--

10 A. For the purposes of this section, "chemical  
11 castration treatment" means the use of hormonal drugs such as  
12 medroxyprogesterone acetate or a chemical equivalent to reduce  
13 sexual violence recidivism.

14 B. The district court shall inform a person  
15 required to undergo chemical castration treatment as a  
16 condition of parole about the effect of chemical castration  
17 treatment and any side effects that may result from the  
18 treatment. The person shall sign a written acknowledgment of  
19 receipt of the information.

20 C. A person required to undergo chemical castration  
21 treatment shall begin the treatment not less than one month  
22 prior to the person's release from the custody of the  
23 corrections department.

24 D. The corrections department shall administer the  
25 chemical castration treatment if the person is incarcerated

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1 during the person's parole term. If the person is released  
2 from the corrections department's custody during the person's  
3 parole term, the person's parole officer shall advise the  
4 person where to receive chemical castration treatment.

5 E. A person receiving chemical castration treatment  
6 shall authorize the corrections department to share with the  
7 board all medical records relating to the person's chemical  
8 castration treatment.

9 F. A person receiving chemical castration treatment  
10 shall pay for all of the costs associated with the chemical  
11 castration treatment; provided that a person may not be denied  
12 parole based solely on the person's inability to pay for the  
13 costs associated with the chemical castration treatment  
14 required under this section.

15 G. A person shall continue receiving chemical  
16 castration treatment until the board determines the treatment  
17 is no longer necessary.

18 H. If a person required to undergo chemical  
19 castration treatment refuses the treatment, the person's parole  
20 officer shall report a parole violation to the board. The  
21 refusal to receive chemical castration treatment shall  
22 constitute a violation of the person's parole, and the person  
23 shall be immediately remanded to the custody of the corrections  
24 department for the remainder of the sentence from which the  
25 person was paroled."