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HOUSE BILL 463

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Ron Godbey

AN ACT

**RELATING TO CRIMINAL SENTENCING; ESTABLISHING FACTORS FOR THE
ADULT PAROLE BOARD TO CONSIDER PRIOR TO RELEASING A SEX
OFFENDER FROM PAROLE; PROVIDING THE ADULT PAROLE BOARD WITH
AUTHORITY TO ORDER A SEX OFFENDER TO REMAIN ON PAROLE FOR THE
ENTIRETY OF HIS NATURAL LIFE.**

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

**Section 1. SEX OFFENDERS-- PERIOD OF PAROLE-- CONDITIONS
OF PAROLE. --**

**A. Prior to the release on parole of a sex
offender, the adult parole board shall conduct a hearing to
determine the conditions of parole and the period of parole
for the sex offender. The adult parole board may consider any
relevant factors, including:**

- (1) the nature and circumstances of the**

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1 offense for which the sex offender was incarcerated;

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

4 (3) sexually deviant behavior engaged in by
5 the sex offender;

6 (4) rehabilitation efforts engaged in by the
7 sex offender, including participation in treatment programs
8 while incarcerated or elsewhere; and

9 (5) the danger to the community posed by the
10 sex offender.

11 B. The adult parole board may order a sex offender
12 released on parole to abide by reasonable conditions of
13 parole, including:

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

16 (2) participating in an outpatient or
17 inpatient sex offender treatment program;

18 (3) an agreement by the sex offender to not
19 use alcohol or drugs;

20 (4) an agreement by the sex offender to not
21 have contact with certain persons or classes of persons; and

22 (5) being subject to alcohol testing, drug
23 testing, polygraph examinations, voice stress analysis or
24 similar examinations used to determine if the sex offender is
25 in compliance with the conditions of his parole.

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1 C. Unless the adult parole board orders otherwise,
2 a sex offender's period of parole shall be the period set
3 forth in Section 31-21-10 NMSA 1978; provided that the adult
4 parole board may order a sex offender to serve any period of
5 parole deemed necessary by the adult parole board, up to and
6 including the entirety of the sex offender's natural life.

7 D. If the adult parole board orders a sex offender
8 to serve a period of parole of four years or longer, the adult
9 parole board may reconsider its order at two-year intervals
10 upon a request by the sex offender. If the sex offender
11 satisfactorily demonstrates and the adult parole board finds
12 that the sex offender's parole may be discharged or that
13 certain conditions of parole are no longer necessary, the
14 adult parole board may amend its order accordingly.

15 E. If the adult parole board finds that a sex
16 offender has violated his conditions of parole, the adult
17 parole board may revoke his parole or may order that the sex
18 offender's period of parole be extended or may order
19 additional conditions of parole.

20 F. As used in this section, "sex offender" means a
21 person who is convicted of, pleads guilty to or pleads nolo
22 contendere to any one of the following offenses:

23 (1) criminal sexual penetration in the first,
24 second, third or fourth degree, as provided in Section 30-9-11
25 NMSA 1978;

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1 (2) criminal sexual contact in the fourth
2 degree, as provided in Section 30-9-12 NMSA 1978;

3 (3) criminal sexual contact of a minor in the
4 third or fourth degree, as provided in Section 30-9-13 NMSA
5 1978;

6 (4) sexual exploitation of children, as
7 provided in Subsection A, B or C of Section 30-6A-3 NMSA 1978;

8 (5) sexual exploitation of children by
9 prostitution, as provided in Section 30-6A-4 NMSA 1978;

10 (6) kidnapping, as provided in Section 30-4-1
11 NMSA 1978, when the victim is less than eighteen years of age
12 and the sex offender is not a parent of the victim;

13 (7) false imprisonment, as provided in
14 Section 30-4-3 NMSA 1978, when the victim is less than
15 eighteen years of age and the sex offender is not a parent of
16 the victim;

17 (8) solicitation to commit criminal sexual
18 contact of a minor in the third or fourth degree, as provided
19 in Sections 30-9-13 and 30-28-3 NMSA 1978;

20 (9) attempt to commit any of the sex offenses
21 set forth in Paragraphs (1) through (7) of this subsection, as
22 provided in Section 30-28-1 NMSA 1978;

23 (10) enticement of a child, as provided in
24 Section 30-9-1 NMSA 1978;

25 (11) prostitution, as provided in Section

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- 1 30-9-2 NMSA 1978;
2 (12) patronizing prostitutes, as provided in
3 Section 30-9-3 NMSA 1978;
4 (13) promoting prostitution, as provided in
5 Section 30-9-4 NMSA 1978; or
6 (14) accepting earnings of a prostitute, as
7 provided in Section 30-9-4.1 NMSA 1978.