

AN ACT

RELATING TO PROBATION; ALLOWING FOR SOMEONE ON PROBATION TO HAVE THE TIME REQUIRED FOR SUPERVISED PROBATION TO BE DECREASED FOR GOOD BEHAVIOR.

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

SECTION 1. Section 31-20-5 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-17, as amended) is amended to read:

"31-20-5. PLACING DEFENDANT ON PROBATION.--

A. When a person has been convicted of a crime for which a sentence of imprisonment is authorized and when the magistrate, metropolitan or district court has deferred or suspended sentence, it shall order the defendant to be placed on probation for all or some portion of the period of deferment or suspension if the defendant is in need of supervision, guidance or direction that is feasible for the corrections department to furnish. Except for sex offenders as provided in Section 31-20-5.2 NMSA 1978, the total period of probation for district court shall not exceed five years and the total period of probation for the courts shall be no longer than the maximum allowable incarceration time for the offense at the time of sentencing or as otherwise provided by law.

B. If a defendant is required to serve a period of probation subsequent to a period of incarceration:

(1) the period of probation shall be served subsequent to any required period of parole, with the time served on parole credited as time served on the period of probation and the conditions of probation imposed by the court deemed as additional conditions of parole; and

(2) in the event that the defendant violates any condition of that parole, the parole board shall cause the defendant to be brought before it pursuant to the provisions of Section 31-21-14 NMSA 1978 and may make any disposition authorized pursuant to that section and, if parole is revoked, the period of parole served in the custody of a correctional facility shall not be credited as time served on probation.

C. A person who has been placed on supervised probation as provided for in this section shall, after one year spent on supervised probation, have thirty days of the person's supervised probation changed to unsupervised probation for every thirty days served without a probation violation; provided that a person shall not be eligible for a reduction in supervised probation time under this subsection if the person is on parole and has time on parole credited toward probation time pursuant to Paragraph (1) of Subsection B of this section."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015. _____