

1 HOUSE BILL 471

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Antonio "Moe" Maestas

5
6
7
8
9
10 AN ACT

11 RELATING TO CRIMINAL PROCEDURE; CLARIFYING CONFINEMENT
12 DETENTION TIME ELIGIBLE FOR CREDIT AGAINST SENTENCE.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 31-20-12 NMSA 1978 (being Laws 1967,
16 Chapter 221, Section 2) is amended to read:

17 "31-20-12. CREDIT FOR TIME PRIOR TO CONVICTION.--

18 A. A person held in official confinement on
19 suspicion or charges of the commission of a felony, misdemeanor
20 or petty misdemeanor shall, upon conviction of that or a lesser
21 included offense, be given credit for the period spent in
22 [~~presentence~~] confinement [~~against any sentence finally imposed~~
23 ~~for that offense~~] against any sentence finally imposed for all
24 offenses pending during confinement.

25 B. A person may also be given credit for any period

.206630.3

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 spent:

2 (1) in a specialty or treatment court;

3 (2) in home detention;

4 (3) in an inpatient substance abuse or mental
5 health treatment facility; or

6 (4) restricted in movement by electronic
7 monitoring at all times, such as by a global positioning system
8 ankle bracelet, whether by a government employee or by a
9 private person or company with an obligation to report
10 violations to the court.

11 C. As used in this section, "official confinement"
12 means confinement, pursuant to arrest or court order:

13 (1) in the actual or constructive custody of
14 state or local law enforcement or correctional officers; or

15 (2) in a judicially approved community custody
16 program; provided that the community custody program need not
17 be formally adopted or otherwise be a pre-existing uniform
18 system of release."