

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 192

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO INCARCERATION; REQUIRING COURTS TO CONSIDER
PREGNANCY OR LACTATION FOR RELEASE, BOND OR GOOD TIME
COMPUTATION.

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

SECTION 1. [NEW MATERIAL] RELEASE OF INDIVIDUALS WHO ARE
PREGNANT OR LACTATING.--

A. The court shall consider an individual's
pregnancy or lactation status when determining whether the
individual is eligible for release or bond and in the
computation of good time credit. A presumption shall be made
in favor of release for an individual who is pregnant or
lactating. An individual released pursuant to this section
shall be placed on the least restrictive conditions of release
necessary to ensure return to custody.

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B. As used in this section, "release" means:

(1) custodial release, which is release under such court-imposed restrictions as to satisfy the court that the person remains in custody while released; and

(2) noncustodial release, which is release under such conditions that are not considered custodial.

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.

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