1	SENATE BILL 561
2	54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019
3	INTRODUCED BY
4	Antoinette Sedillo Lopez
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10	AN ACT
11	RELATING TO PROBATION; ALLOWING PROBATION AND PAROLE OFFICERS
12	TO SUPERVISE CERTAIN PERSONS CONVICTED IN MAGISTRATE AND
13	METROPOLITAN COURTS.
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	SECTION 1. Section 31-20-5 NMSA 1978 (being Laws 1963,
17	Chapter 303, Section 29-17, as amended) is amended to read:
18	"31-20-5. PLACING DEFENDANT ON PROBATION
19	A. When a person has been convicted of a crime for
20	which a sentence of imprisonment is authorized and when the
21	magistrate, metropolitan or district court has deferred or
22	suspended sentence, it shall order the defendant to be placed
23	on probation for all or some portion of the period of deferment
24	or suspension if the defendant is in need of supervision,
25	guidance or direction that is feasible for the corrections
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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 magistrate or metropolitan courts shall be no longer than the maximum allowable incarceration time for the offense or as otherwise provided by law.

B. Pursuant to Subsection A of this section, persons convicted by plea in magistrate or metropolitan courts at a preliminary hearing involving felony charges shall be eligible for probation.

[B.] C. 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 [him] 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."

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1	SECTION 2. Section 31-21-5 NMSA 1978 (being Laws 1978,
2	Chapter 41, Section 1, as amended) is amended to read:
3	"31-21-5. DEFINITIONSAs used in the Probation and
4	Parole Act:
5	A. "probation" means the procedure under which an
6	adult defendant, found guilty of a crime upon verdict or plea,
7	is released by the court without imprisonment under a suspended
8	or deferred sentence and subject to conditions;
9	B. "parole" means the release to the community of
10	an inmate of an institution by decision of the board or by
11	operation of law, subject to conditions imposed by the board
12	and to its supervision;
13	C. "institution" means the state penitentiary
14	[and], any other similar state institution hereinafter created
15	and a county jail;
16	D. "board" means the parole board;
17	E. "director" means the director of the [field
18	services] adult probation and parole division of the
19	corrections department or any employee designated by [him] the
20	director; and
21	F. "adult" means any person convicted of a crime by
22	a district court."
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