

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/21/2025 *Check all that apply:*
Bill Number: HB 514 Original Correction
 Amendment Substitute

Sponsor: Marianna Anaya & Cristina Parajon **Agency Name and Code Number:** 760
Person Writing: Roberta Cohen **Email:** Roberta.cohen@apb.nm.gov
Short Title: Probation and Parole Changes **Phone:** 505-386-6873 : m.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 514 proposes to reform probation and parole procedures in New Mexico by implementing a graduated response system for supervision violations. The bill provides structured sanctions and incentives for individuals on probation or parole, prioritizing alternative responses before revoking supervision.

Key Provisions:

1. Graduated Response System for Violations
 - The Corrections Department must develop a structured system for handling parole and probation violations.
 - This system will establish presumptive sanctions based on the severity of violations, prior history, and risk assessment.
 - It also includes positive reinforcements for compliance with supervision conditions.
 - Before revocation, all available sanctions must be exhausted.
2. Definitions and Amendments
 - Expands definitions within the Probation and Parole Act, including terms like "technical violation," "absconding," and "violation response guidelines."
 - Defines technical violations as breaches of supervision conditions excluding new crimes, absconding, victim contact, or violating protective orders.
3. Sanctions for Technical Violations
 - Establishes progressive penalties for repeated technical violations:
 - 1st violation: Up to 15 days incarceration.
 - 2nd violation: Up to 30 days incarceration.
 - 3rd violation: Up to 90 days incarceration.
 - 4th and subsequent violations: Revocation with incarceration up to the remainder of the sentence.
 - Courts and the Parole Board may impose harsher sanctions for individuals convicted of serious violent offenses if there's a direct link to their violation.
4. Parole Revocation Procedures
 - Parole or probation officers must use graduated sanctions before requesting revocation.
 - The Parole Board may issue warrants or notices to appear for violations.
 - If graduated responses fail, revocation procedures will apply.
5. Implementation & Oversight
 - The Corrections Department must submit a plan to the legislature by January 1, 2026, and fully implement the system by July 1, 2026.
 - Ongoing training programs for probation and parole officers will ensure proper application of sanctions.

FISCAL IMPLICATIONS

The New Mexico Parole Board will need to collaborate closely with the New Mexico Corrections Department (NMCD) to fully understand the framework of the technical violator system that NMCD will implement. This collaboration is essential to ensure that Board members conducting parole violation hearings are aligned with Probation and Parole procedures. Additionally, the Board currently lacks a database system to track revocation proceeding decisions, making it difficult to ensure that graduated sanctions are applied consistently across all violators.

SIGNIFICANT ISSUES

The Board does not currently have a dedicated database to track revocation proceedings and ensure sanctions are applied consistently. Without a tracking system, there is a risk of inconsistent decision-making, leading to legal challenges or disparities in outcomes. The Board will need funding for a case management system to document and monitor parole violation decisions. The requirement that parolees be sanctioned on a graduated system, of short stays of incarceration would make it difficult for the NMAPB to timely hold hearings in order to issue the sanctions; and given the transport needs between county jails and the NMCD, the parolee might end up serving time on their violation in advance of the parole board's decision and then still be subject to community service or other restrictions upon their release. The Board also feels the lack of flexibility and reliance on preset sanctions could lead to less effective outcomes and hinder the department's ability to support individuals in their rehabilitation.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB514 conflict with its statutory authority to grant, deny, or revoke parole, established in Section 31-21-25(B) NMSA 1978. Additionally, Section 31-21-10(E) NMSA 1978 requires parolees found to have violated the conditions of their release by the board are required to remain in NMCD custody.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS