



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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 17 amends certain provisions concerning parole for prisoners who are imprisoned for life, for prisoners who were convicted of homicide, and concerning the removal of members of the Parole Board.

The first section of SB 17 amends Section 31-21-10 NMSA 1978, regarding parole authority and procedure, by adding language to clarify that the 30-years imprisonment of a person sentenced to life shall be considered the retributive portion of the life sentence. In addition, language is added to mandate that parole consideration for release shall focus on risk and readiness for release, based upon the prisoner's behavior while incarcerated.

This section also changes the duties of the Parole Board when considering parole for someone imprisoned for life. Additional duties include hearing from the family or a representative of the victim, if they choose to participate in the proceeding, and considering an inmate's relevant criminal history. The requirement that the Board consider whether the inmate was a habitual offender has been removed.

Relatedly, the final section of SB 17 creates a new section of law, Section 31-21-25.2, which concerns conscientious scheduling of hearings in the case of homicide. It mandates that in these cases the Board shall not schedule a hearing on the anniversary of the birth or death of the person or persons whose death is the basis for the homicide conviction, when practicable.

The final substantive section of SB 17, Section 3, amends Section 31-21-24, concerning the organization of the Parole Board. Under the changes in the bill, members of the Board can only be removed for incompetence, neglect of duty or malfeasance in office. This changes the present statute where the Governor has the right, under Art. V, Sec. 5 of the New Mexico Constitution to remove a member unilaterally. Procedures are outlined for the removal process. A member of the Board would still be liable for impeachment.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

The new removal language for a member of the Parole Board tracks the language used for the removal of a member of the Ethics Commission (*see* Section 10-16G-3(I)).

Discretionary parole for those serving life sentences is available in most states (47, including Washington, DC, as of 2017), but the process varies widely from state to state. New Mexico is considered one of eleven states that “continue to retain parole boards to determine discretionary or mandatory release but have curtailed these processes for those sentenced for certain offenses or replaced indeterminate sentences with mandatory terms or truth-in-sentencing laws” (p. 27). See Kokkalera & Allison, “The (not so) United States of Parole: A State-of-the-Art Review of Discretionary Release for Individuals Serving Life”, *Journal of Criminal Justice and Law* (2024) (available at: <https://jcjl.pubpub.org/pub/parol-in-the-united-states-state-of-the-art/release/1>).

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**