

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** February 13, 2025  
**Bill No:** SB 375-280

**Sponsor:** Antonio Maestas  
**Short**    Probation & Parole Changes  
**Title:**    \_\_\_\_\_

**Agency Name and Code**    280—LOPD  
**Number:**    \_\_\_\_\_  
**Person Writing**    MJ Edge  
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**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 Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **HB 102** would also amend the Earned Meritorious Deductions Act;

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: SB 375 would amend the probation, parole and meritorious deduction statutes by:

- requiring discharge from probation for minimum-risk probationers who have completed at least half of their periods of probation and otherwise fulfilled their probation obligations;
- eliminating payment of court costs as a requirement for parole eligibility;
- eliminating payment of parole costs as a condition of parole;
- making the reward of meritorious deductions automatic, subject to loss for failure to actively participate in rehabilitative programming, and increasing the amount of “lump sum” meritorious deductions for various accomplishments;
- protecting prisoners who are not actively participating because their facility is in lockdown from losing their meritorious deductions, unless it is determined that the prisoner caused or contributed to the lockdown;
- allowing parolees in the community to earn meritorious deductions commensurate with the classification of their offense;
- and eliminating meritorious deductions for those confined upon the revocation of their parole.

**FISCAL IMPLICATIONS**

These measures are unlikely to have a significant effect on LOPD operations.

Parole violations are adjudicated and sanctioned by the parole board. LOPD does not represent parolees before the parole board in adjudicating violations of conditions of release, but many people are under “dual” supervision so that parole violations are often handled through the probation process instead. Only a subset of parole violations are handled exclusively through the parole board’s revocation process. LOPD is not privy to the number of parole violations processed by the board each year. However, the NM Sentencing Commission reports that in the last year, the average length of stay in NMCD for a parole violation was 377 days. *See* NMSC, Profile of New Mexico Prison Population, at 4 (Dec. 2022), available at <https://nmsc.unm.edu/reports/2022/confined-report-2022.pdf>.

Probation violations are adjudicated and sanctioned by district courts. LOPD represents probationers in district court when probation violations are referred to the district attorney for revocation proceedings. SB 375's provision discharging minimum risk probationers early might result fewer in probation revocation hearings, but this is likely an insignificant number of cases, since they would involve the kind of probationers most likely to successfully complete the second half of their probation anyway—minimum-risk probationers who have managed to successfully complete half the probation period and fulfill their other obligations.

## **SIGNIFICANT ISSUES**

Early discharge for successful probationers would be a powerful tool for incentivizing compliance with probation conditions early in the process, a time where many probationers do struggle. It would also save unnecessary resources currently spent supervising probationers who have already proven themselves compliant, and therefore allows greater supervision resources dedicated to probationers who are struggling to comply and may need more support from their probation officers.

Additionally, removing monetary payments as conditions for parole will help reduce the financial impacts of supervision and level the playing field for indigent defendants.

As with early probation discharge, expanding meritorious deductions would help incentivize good behavior and rehabilitative programming for inmates, as well as incentivizing successful compliance with probation conditions while on parole in the community.

It is unclear why the bill would eliminate the already minimal meritorious deductions currently available following revocation, but would recommend clarifying that limitation only applies for the duration of the *revocation sanction* imposed by the Parole Board. It is very common for parolees to be revoked for a short sanction (90 days or other set period of time) but who then are unable to re-release into the community simply because they have nowhere to move, and therefore cannot get their “parole plan” approved. When this happens, parolees complete their revocation sanction in prison, but *remain in prison* indefinitely, serving their reinstated parole term “in house,” sometimes for many *years*. The bill should clarify that this period of “in-house parole” reinstates the availability of earned meritorious deductions.

## **PERFORMANCE IMPLICATIONS**

None noted.

## **ADMINISTRATIVE IMPLICATIONS**

None noted.

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

HB 102 would also amend the Earned Meritorious Deductions Act.

## **TECHNICAL ISSUES**

None noted.

## **OTHER SUBSTANTIVE ISSUES**

None noted.

## **ALTERNATIVES**

Status quo.

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

Status quo.

## **AMENDMENTS**

None noted.