



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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 375 makes a variety of changes to the mechanics of probation and parole in the state.

SB 375 amends Section 31-18-15 NMSA 1978, regarding sentencing authority, basic sentences and fines, parole authority and meritorious deductions, by removing the provision that required the payment of the costs of parole services and reimbursement to a law enforcement agency or local crime stoppers program. The bill further amends Section 31-21-10 to remove those same repayment provisions from that statute.

SB 375 amends Section 31-20-5, regarding placing a defendant on probation, by adding that a defendant shall automatically be released from probation if the defendant is classified as a minimum level risk by a validated scoring instrument; has met all of the obligations of the defendant's probation; and has completed one-half or more of the period of probation.

SB 375 also makes a number of amendments to Section 33-2-34, regarding earned meritorious deductions, as follows:

The language requiring a prisoner to be an "active participant" in programming to earn meritorious deductions has been modified, so that now the prisoner may lose earned meritorious deductions if they fail to actively participate. Similar language changes are made elsewhere in this section.

Language has been added so that meritorious deductions shall be awarded for the remainder of the sentence, after pre-sentence confinement has been deducted, upon admission to an NMCD facility.

The language around the earning of meritorious deductions has also been changed to be more precise – a prisoner who committed a serious violent offense will earn four days per month (versus the present language of up to a maximum of four days per month); similarly, a prisoner who committed a nonviolent offense will earn 30 days per month (versus the present language of up to a maximum of 30 days per month). Similarly, the language around lump sum deductions has been changed so that three months is now 90 days, four months is now 120 days, and five months is not 150 days.

The scheme in this statute for someone confined for revocation of parole has been removed; under SB 375, someone confined following revocation of parole would now not have meritorious deductions awarded.

The reporting of deductions a prisoner has earned has been modified so that instead of receiving a quarterly statement, the prisoner shall receive a statement of the deductions earned upon initial award, if additional awards are given, if meritorious deductions are lost, and upon request.

Finally, for offenders on parole, the statute has been amended by adding to the provision concerning offenders on parole that the offender shall be eligible to earn meritorious deductions while on parole in the community commensurate with the classification of the offense.

## **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 Sentencing Commission publishes an annual report examining the use of earned meritorious deductions. The report alternates year-to-year from looking at male or female inmates. Last year's report on male inmates (that report is available at: <https://nmsc.unm.edu/reports/2025/profile-of-new-mexico-prison-population-fy-2024.pdf>; a new EMD report, focusing on female inmates, will be published in the coming weeks and will be available here: <https://nmsc.unm.edu/reports/index.html>). The following is a summary of some of the findings in the report for males:

- Serious violent offenders with a basic sentence receiving 4 days of credit for 30 days served 87.7% of their prison sentence and 89.3% of their total sentence.
- Parole violators in FY23, excluding offenders on inhouse parole, served 87.0% of their total sentence and 81.7% of their prison sentence.
- In FY23, 32.0% of offenders released were fully discharged from the criminal justice system, while the remaining 68.0% of offenders were released to probation or parole.
- 42.3% of all admissions were for a new conviction; 42.0% were for a probation or parole violation, and 15.7% were inhouse parolees, or individuals who started their parole term still incarcerated.
- The Second Judicial District contributed the greatest number of offenders and releases, followed by the Fifth and Twelfth Judicial Districts. Combined, the three JDs accounted for 47.5% of offenders.

The Sentencing Commission has also found that parole-related admissions to NMCD have been relatively stable since FY 2022 – see p. 5 and p. 10 of the New Mexico Prison Population Forecast, FY 2024- FY 2034 (available here: <https://nmsc.unm.edu/reports/2024/new-mexico-prison-population-forecast-fy-2024-fy-2034.pdf>).

## **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

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

SB 359 covers the same areas of law as HB 309 and HB 332.

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**