

1 HOUSE BILL 102
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY
4 Andrea Reeb
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10 AN ACT

11 RELATING TO CORRECTIONS; CLASSIFYING HOMICIDE BY A VEHICLE OR
12 GREAT BODILY HARM BY A VEHICLE AS A SERIOUS VIOLENT OFFENSE FOR
13 EARNED MERITORIOUS DEDUCTIONS.
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 33-2-34 NMSA 1978 (being Laws 1999,
17 Chapter 238, Section 1, as amended) is amended to read:

18 "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS
19 DEDUCTIONS.--

20 A. To earn meritorious deductions, a prisoner
21 confined in a correctional facility designated by the
22 corrections department must be an active participant in
23 programs recommended for the prisoner by the classification
24 supervisor and approved by the warden or the warden's designee.
25 Meritorious deductions shall not exceed the following amounts:

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1 (1) for a prisoner confined for committing a
2 serious violent offense, up to a maximum of four days per month
3 of time served;

4 (2) for a prisoner confined for committing a
5 nonviolent offense, up to a maximum of thirty days per month of
6 time served;

7 (3) for a prisoner confined following
8 revocation of parole for the alleged commission of a new felony
9 offense or for absconding from parole, up to a maximum of four
10 days per month of time served during the parole term following
11 revocation; and

12 (4) for a prisoner confined following
13 revocation of parole for a reason other than the alleged
14 commission of a new felony offense or absconding from parole:

15 (a) up to a maximum of eight days per
16 month of time served during the parole term following
17 revocation, if the prisoner was convicted of a serious violent
18 offense or failed to pass a drug test administered as a
19 condition of parole; or

20 (b) up to a maximum of thirty days per
21 month of time served during the parole term following
22 revocation, if the prisoner was convicted of a nonviolent
23 offense.

24 B. A prisoner may earn meritorious deductions upon
25 recommendation by the classification supervisor, based upon the

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1 prisoner's active participation in approved programs and the
2 quality of the prisoner's participation in those approved
3 programs. A prisoner may not earn meritorious deductions
4 unless the recommendation of the classification supervisor is
5 approved by the warden or the warden's designee.

6 C. If a prisoner's active participation in approved
7 programs is interrupted by a lockdown at a correctional
8 facility, the prisoner may continue to be awarded meritorious
9 deductions at the rate the prisoner was earning meritorious
10 deductions prior to the lockdown, unless the warden or the
11 warden's designee determines that the prisoner's conduct
12 contributed to the initiation or continuance of the lockdown.

13 D. A prisoner confined in a correctional facility
14 designated by the corrections department is eligible for lump-
15 sum meritorious deductions as follows:

16 (1) for successfully completing an approved
17 vocational, substance abuse or mental health program, one
18 month; except when the prisoner has a demonstrable physical,
19 mental health or developmental disability that prevents the
20 prisoner from successfully earning a high school equivalency
21 credential, in which case, the prisoner shall be awarded three
22 months;

23 (2) for earning a high school equivalency
24 credential, three months;

25 (3) for earning an associate's degree, four

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1 months;

2 (4) for earning a bachelor's degree, five
3 months;

4 (5) for earning a graduate qualification, five
5 months; and

6 (6) for engaging in a heroic act of saving
7 life or property, engaging in extraordinary conduct for the
8 benefit of the state or the public that is at great expense or
9 risk to or involves great effort on the part of the prisoner or
10 engaging in extraordinary conduct far in excess of normal
11 program assignments that demonstrates the prisoner's commitment
12 to self-rehabilitation. The classification supervisor and the
13 warden or the warden's designee may recommend the number of
14 days to be awarded in each case based upon the particular
15 merits, but any award shall be determined by the director of
16 the adult institutions division of the corrections department
17 or the director's designee.

18 E. Lump-sum meritorious deductions, provided in
19 Paragraphs (1) through (6) of Subsection D of this section, may
20 be awarded in addition to the meritorious deductions provided
21 in Subsections A and B of this section. Lump-sum meritorious
22 deductions shall not exceed one year per award and shall not
23 exceed a total of one year for all lump-sum meritorious
24 deductions awarded in any consecutive twelve-month period.

25 F. A prisoner is not eligible to earn meritorious

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1 deductions if the prisoner:

2 (1) disobeys an order to perform labor,
3 pursuant to Section 33-8-4 NMSA 1978;

4 (2) is in disciplinary segregation;

5 (3) is confined for committing a serious
6 violent offense and is within the first sixty days of receipt
7 by the corrections department; or

8 (4) is not an active participant in programs
9 recommended and approved for the prisoner by the classification
10 supervisor.

11 G. The provisions of this section shall not be
12 interpreted as providing eligibility to earn meritorious
13 deductions from a sentence of life imprisonment or a sentence
14 of life imprisonment without possibility of release or parole.

15 H. The corrections department shall promulgate
16 rules to implement the provisions of this section, and the
17 rules shall be matters of public record. A concise summary of
18 the rules shall be provided to each prisoner, and each prisoner
19 shall receive a quarterly statement of the meritorious
20 deductions earned.

21 I. A New Mexico prisoner confined in a federal or
22 out-of-state correctional facility is eligible to earn
23 meritorious deductions for active participation in programs on
24 the basis of the prisoner's conduct and program reports
25 furnished by that facility to the corrections department. All

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1 decisions regarding the award and forfeiture of meritorious
2 deductions at such facility are subject to final approval by
3 the director of the adult institutions division of the
4 corrections department or the director's designee.

5 J. In order to be eligible for meritorious
6 deductions, a prisoner confined in a federal or out-of-state
7 correctional facility designated by the corrections department
8 must actively participate in programs that are available. If a
9 federal or out-of-state correctional facility does not have
10 programs available for a prisoner, the prisoner may be awarded
11 meritorious deductions at the rate the prisoner could have
12 earned meritorious deductions if the prisoner had actively
13 participated in programs.

14 K. A prisoner confined in a correctional facility
15 in New Mexico that is operated by a private company, pursuant
16 to a contract with the corrections department, is eligible to
17 earn meritorious deductions in the same manner as a prisoner
18 confined in a state-run correctional facility. All decisions
19 regarding the award or forfeiture of meritorious deductions at
20 such facilities are subject to final approval by the director
21 of the adult institutions division of the corrections
22 department or the director's designee.

23 L. As used in this section:

24 (1) "active participant" means a prisoner who
25 has begun, and is regularly engaged in, approved programs;

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1 (2) "program" means work, vocational,
2 educational, substance abuse and mental health programs,
3 approved by the classification supervisor, that contribute to a
4 prisoner's self-betterment through the development of personal
5 and occupational skills. "Program" does not include
6 recreational activities;

7 (3) "nonviolent offense" means any offense
8 other than a serious violent offense; and

9 (4) "serious violent offense" means:

10 (a) second degree murder, as provided in
11 Section 30-2-1 NMSA 1978;

12 (b) voluntary manslaughter, as provided
13 in Section 30-2-3 NMSA 1978;

14 (c) third degree aggravated battery, as
15 provided in Section 30-3-5 NMSA 1978;

16 (d) third degree aggravated battery
17 against a household member, as provided in Section 30-3-16 NMSA
18 1978;

19 (e) first degree kidnapping, as provided
20 in Section 30-4-1 NMSA 1978;

21 (f) first and second degree criminal
22 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

23 (g) second and third degree criminal
24 sexual contact of a minor, as provided in Section 30-9-13 NMSA
25 1978;

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1 (h) first and second degree robbery, as
2 provided in Section 30-16-2 NMSA 1978;

3 (i) second degree aggravated arson, as
4 provided in Section 30-17-6 NMSA 1978;

5 (j) shooting at a dwelling or occupied
6 building, as provided in Section 30-3-8 NMSA 1978;

7 (k) shooting at or from a motor vehicle,
8 as provided in Section 30-3-8 NMSA 1978;

9 (l) aggravated battery upon a peace
10 officer, as provided in Section 30-22-25 NMSA 1978;

11 (m) assault with intent to commit a
12 violent felony upon a peace officer, as provided in Section
13 30-22-23 NMSA 1978;

14 (n) aggravated assault upon a peace
15 officer, as provided in Section 30-22-22 NMSA 1978; or

16 (o) any of the following offenses, when
17 the nature of the offense and the resulting harm are such that
18 the court judges the crime to be a serious violent offense for
19 the purpose of this section: 1) involuntary manslaughter, as
20 provided in Section 30-2-3 NMSA 1978; 2) fourth degree
21 aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3)
22 third degree assault with intent to commit a violent felony, as
23 provided in Section 30-3-3 NMSA 1978; 4) fourth degree
24 aggravated assault against a household member, as provided in
25 Section 30-3-13 NMSA 1978; 5) third degree assault against a

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1 household member with intent to commit a violent felony, as
2 provided in Section 30-3-14 NMSA 1978; 6) third and fourth
3 degree aggravated stalking, as provided in Section 30-3A-3.1
4 NMSA 1978; 7) second degree kidnapping, as provided in Section
5 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as
6 provided in Section 30-6-1 NMSA 1978; 9) first, second and
7 third degree abuse of a child, as provided in Section 30-6-1
8 NMSA 1978; 10) third degree dangerous use of explosives, as
9 provided in Section 30-7-5 NMSA 1978; 11) third and fourth
10 degree criminal sexual penetration, as provided in Section
11 30-9-11 NMSA 1978; 12) fourth degree criminal sexual contact of
12 a minor, as provided in Section 30-9-13 NMSA 1978; 13) third
13 degree robbery, as provided in Section 30-16-2 NMSA 1978; 14)
14 [~~third degree~~] homicide by vehicle or great bodily harm by
15 vehicle, as provided in Section 66-8-101 NMSA 1978; or 15)
16 battery upon a peace officer, as provided in Section 30-22-24
17 NMSA 1978.

18 M. Except for sex offenders, as provided in Section
19 31-21-10.1 NMSA 1978, an offender sentenced to confinement in a
20 correctional facility designated by the corrections department
21 who has been released from confinement and who is serving a
22 parole term may be awarded earned meritorious deductions of up
23 to thirty days per month upon recommendation of the parole
24 officer supervising the offender, with the final approval of
25 the adult parole board. The offender must be in compliance

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1 with all the conditions of the offender's parole to be eligible
2 for earned meritorious deductions. The adult parole board may
3 remove earned meritorious deductions previously awarded if the
4 offender later fails to comply with the conditions of the
5 offender's parole. The corrections department and the adult
6 parole board shall promulgate rules to implement the provisions
7 of this subsection. This subsection applies to offenders who
8 are serving a parole term on or after July 1, 2004."

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