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SENATE BILL

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PAROLE; AMENDING FACTORS TO BE CONSIDERED BY THE PAROLE BOARD WHEN CONSIDERING PAROLE OF AN INMATE SENTENCED TO LIFE IMPRISONMENT; PROVIDING FOR ADDITIONAL COMPENSATION FOR ACTUAL ADMINISTRATIVE SERVICES PERFORMED BY MEMBERS OF THE PAROLE BOARD; PROVIDING FOR THE CONSCIENTIOUS SCHEDULING OF HEARINGS.

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

**SECTION 1.** Section 31-21-10 NMSA 1978 (being Laws 1980, Chapter 28, Section 1, as amended) is amended to read:

"31-21-10. PAROLE AUTHORITY AND PROCEDURE.--

A. Except as provided in Section 31-21-10.2 NMSA 1978, an inmate of an institution who was sentenced to life imprisonment becomes eligible for a parole hearing after the inmate has served thirty years of the sentence. Before

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1 ordering the parole of an inmate sentenced to life  
2 imprisonment, the board shall:

3 (1) interview the inmate at the institution  
4 where the inmate is committed;

5 (2) hear from the family or representative of  
6 the victim, if they choose to participate;

7 [~~(2)~~] (3) consider all pertinent information  
8 concerning the inmate, including:

9 (a) the circumstances of the offense;  
10 [~~(b) mitigating and aggravating~~  
11 ~~circumstances;~~

12 [~~(c)~~] (b) whether [~~a deadly weapon was~~  
13 ~~used in the commission of the offense]~~ the inmate has  
14 substantially complied with the rules of the institution to  
15 which the inmate has been confined, including whether the  
16 inmate has completed an educational, a vocational or another  
17 program, where available, while confined;

18 [~~(d)~~] (c) whether the inmate [~~is a~~  
19 ~~habitual offender]~~ has demonstrated maturity, rehabilitation  
20 and a fitness to reenter society;

21 [~~(e)~~] (d) the reports filed under  
22 Section 31-21-9 NMSA 1978; and

23 [~~(f)~~] (e) the reports of such physical  
24 and mental examinations as have been made while in an  
25 institution;

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1                    [~~(3)~~] (4) make a finding that a parole is in  
2 the best interest of society and the inmate; and

3                    [~~(4)~~] (5) make a finding that the inmate is  
4 able and willing to fulfill the obligations of a law-abiding  
5 citizen.

6                    If parole is denied, the inmate sentenced to life  
7 imprisonment shall again become entitled to a parole hearing at  
8 two-year intervals. The board may, on its own motion, reopen  
9 any case in which a hearing has already been granted and parole  
10 denied.

11                    B. Unless the board finds that it is in the best  
12 interest of society and the parolee to reduce the period of  
13 parole, a person who was sentenced to life imprisonment shall  
14 be required to undergo a minimum period of parole of five  
15 years. During the period of parole, the person shall be under  
16 the guidance and supervision of the board.

17                    C. An inmate of an institution who was sentenced to  
18 life imprisonment without possibility of release or parole is  
19 not eligible for parole and shall remain incarcerated for the  
20 entirety of the inmate's natural life.

21                    D. Except for certain sex offenders as provided in  
22 Section 31-21-10.1 NMSA 1978, an inmate who was convicted of a  
23 first, second or third degree felony and who has served the  
24 sentence of imprisonment imposed by the court in an institution  
25 designated by the corrections department shall be required to

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1 undergo a two-year period of parole. An inmate who was  
2 convicted of a fourth degree felony and who has served the  
3 sentence of imprisonment imposed by the court in an institution  
4 designated by the corrections department shall be required to  
5 undergo a one-year period of parole. During the period of  
6 parole, the person shall be under the guidance and supervision  
7 of the board.

8 E. Every person while on parole shall remain in the  
9 legal custody of the institution from which the person was  
10 released, but shall be subject to the orders of the board. The  
11 board shall furnish to each inmate as a prerequisite to release  
12 under its supervision a written statement of the conditions of  
13 parole that shall be accepted and agreed to by the inmate as  
14 evidenced by the inmate's signature affixed to a duplicate copy  
15 to be retained in the files of the board. The board shall also  
16 require as a prerequisite to release the submission and  
17 approval of a parole plan. If an inmate refuses to affix the  
18 inmate's signature to the written statement of the conditions  
19 of parole or does not have an approved parole plan, the inmate  
20 shall not be released and shall remain in the custody of the  
21 institution in which the inmate has served the inmate's  
22 sentence, excepting parole, until such time as the period of  
23 parole the inmate was required to serve, less meritorious  
24 deductions, if any, expires, at which time the inmate shall be  
25 released from that institution without parole, or until such

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1 time that the inmate evidences acceptance and agreement to the  
2 conditions of parole as required or receives approval for the  
3 inmate's parole plan or both. Time served from the date that  
4 an inmate refuses to accept and agree to the conditions of  
5 parole or fails to receive approval for the inmate's parole  
6 plan shall reduce the period, if any, to be served under parole  
7 at a later date. If the district court has ordered that the  
8 inmate make restitution to a victim as provided in Section  
9 31-17-1 NMSA 1978, the board shall include restitution as a  
10 condition of parole. The board shall also personally apprise  
11 the inmate of the conditions of parole and the inmate's duties  
12 relating to those conditions of parole.

13 F. When a person on parole has performed the  
14 obligations of the person's release for the period of parole  
15 provided in this section, the board shall make a final order of  
16 discharge and issue the person a certificate of discharge.

17 G. Pursuant to the provisions of Section 31-18-15  
18 NMSA 1978, the board shall require the inmate as a condition of  
19 parole:

20 (1) to pay the actual costs of parole services  
21 to the adult probation and parole division of the corrections  
22 department for deposit to the corrections department intensive  
23 supervision fund not exceeding one thousand eight hundred  
24 dollars (\$1,800) annually to be paid in monthly installments of  
25 not less than twenty-five dollars (\$25.00) and not more than

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1 one hundred fifty dollars (\$150), as set by the appropriate  
2 district supervisor of the adult probation and parole division,  
3 based upon the financial circumstances of the inmate. The  
4 inmate's payment of the supervised parole costs shall not be  
5 waived unless the board holds an evidentiary hearing and finds  
6 that the inmate is unable to pay the costs. If the board  
7 waives the inmate's payment of the supervised parole costs and  
8 the inmate's financial circumstances subsequently change so  
9 that the inmate is able to pay the costs, the appropriate  
10 district supervisor of the adult probation and parole division  
11 shall advise the board and the board shall hold an evidentiary  
12 hearing to determine whether the waiver should be rescinded;  
13 and

14 (2) to reimburse a law enforcement agency or  
15 local crime stopper program for the amount of any reward paid  
16 by the agency or program for information leading to the  
17 inmate's arrest, prosecution or conviction.

18 H. The provisions of this section shall apply to  
19 all inmates except geriatric, permanently incapacitated and  
20 terminally ill inmates eligible for the medical and geriatric  
21 parole program as provided by the Parole Board Act."

22 SECTION 2. Section 31-21-24 NMSA 1978 (being Laws 1975,  
23 Chapter 194, Section 3, as amended) is amended to read:

24 "31-21-24. PAROLE BOARD--MEMBERS--APPOINTMENT--TERMS--  
25 QUALIFICATIONS--COMPENSATION--ORGANIZATION.--

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1           A. The "parole board" is created, consisting of  
2 fifteen members appointed by the governor with the consent of  
3 the senate.

4           B. The terms of the members of the parole board  
5 shall be six years. To provide for staggered terms, five  
6 members shall be appointed every two years. Members serve  
7 until their successors have been appointed and qualified.

8           C. Members of the parole board may be removed by  
9 the governor as provided in Article 5, Section 5 of the  
10 constitution of New Mexico. Vacancies shall be filled by  
11 appointment by the governor for the remainder of the unexpired  
12 term.

13           D. Members of the parole board shall be persons  
14 qualified by such academic training or professional experience  
15 as is deemed necessary to render them fit to serve as members  
16 of the board. No member of the board shall be an official or  
17 employee of any other federal, state or local government  
18 entity.

19           E. Members of the parole board shall receive per  
20 diem and mileage as provided for nonsalaried public officers in  
21 the Per Diem and Mileage Act for a scheduled board meeting or  
22 hearing and, ~~[shall receive no other compensation, perquisite~~  
23 ~~or allowance]~~ subject to assignment, review and approval by the  
24 chair of the board, shall be paid by the board for actual  
25 administrative services performed on behalf of the board

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1 outside of a scheduled board meeting or hearing. Members of  
2 the parole board shall be paid at a rate of forty-five dollars  
3 (\$45.00) per day for less than four hours of actual  
4 administrative services or ninety-five dollars (\$95.00) per day  
5 for four hours or more of actual administrative services.

6 F. The governor shall designate one member of the  
7 parole board to serve as chair, who in addition to other duties  
8 shall coordinate with the corrections department in the  
9 furnishing of services pursuant to Section 9-3-11 NMSA 1978.

10 G. A parole may be granted, denied or revoked by a  
11 quorum of two on a panel consisting of three parole board  
12 members appointed on a rotating basis by the chair of the  
13 board."

14 SECTION 3. A new section of the Probation and Parole Act  
15 is enacted to read:

16 "[NEW MATERIAL] CONSCIENTIOUS SCHEDULING OF HEARINGS.--  
17 When setting a date for a hearing pursuant to the Probation and  
18 Parole Act, the board shall take into consideration the  
19 anniversary of the birth and death of the direct victim of a  
20 homicide. The board shall not schedule a hearing on or near  
21 the anniversary of the birth or death of a direct victim of a  
22 homicide, when practicable."