

1 CCUC Sentencing Structure

2 Discussion Draft for 11.3.22

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5 **SECTION 1.** Section 31-18-15 NMSA 1978 (being Laws 1977, Chapter 216, Section 4, as  
6 amended) is amended to read:

7 “31-18-15. SENTENCING AUTHORITY; NONCAPITAL FELONIES; BASIC  
8 SENTENCES AND FINES; PAROLE AUTHORITY; MERITORIOUS DEDUCTIONS. --

9 ~~[A.— EXISTING TABLE FORMAT STRICKEN]~~

10 A. If a person is convicted of a noncapital felony as designated in a statute that  
11 establishes the felony, the basic sentence of imprisonment is as follows:

12 (1) for a class A felony, life imprisonment;

13 (2) for a class B felony, eighteen years imprisonment;

14 (3) for a class C felony, fifteen years imprisonment;

15 (4) for a class D felony, twelve years imprisonment;

16 (5) for a class E felony, nine years imprisonment;

17 (6) for a class F felony, six years imprisonment;

18 (7) for a class G felony, three years imprisonment;

19 (8) for a class H felony, eighteen months imprisonment.

20 B. The appropriate basic sentence of imprisonment shall be imposed upon a  
21 person convicted and sentenced pursuant to Subsection A of this section, unless the  
22 court alters the sentence pursuant to the provisions of the Criminal Sentencing Act.

23 C. A period of parole shall be imposed only for felony convictions wherein a  
24 person is sentenced to imprisonment of more than one year, unless the parties to a  
25 proceeding agree that a period of parole should be imposed. If a period of parole is  
26 imposed, the court shall include in the judgment and sentence of each person convicted  
27 and sentenced to imprisonment in a corrections facility designated by the corrections  
28 department authority for a period of parole to be served in accordance with the  
29 provisions of [Section 31-21-10 NMSA 1978](#) after the completion of any actual time of  
30 imprisonment and authority to require, as a condition of parole, the payment of the

1 costs of parole services and reimbursement to a law enforcement agency or local crime  
2 stopper program in accordance with the provisions of that section. If imposed, the  
3 period of parole shall be deemed to be part of the sentence of the convicted person in  
4 addition to the basic sentence imposed pursuant to Subsection A of this section together  
5 with alterations, if any, pursuant to the provisions of the Criminal Sentencing Act.

6 D. When a court imposes a sentence of imprisonment pursuant to the provisions  
7 of [Section 31-18-15.1](#), [31-18-16](#) or [31-18-17 NMSA 1978](#) and suspends or defers the basic  
8 sentence of imprisonment provided pursuant to the provisions of Subsection A of this  
9 section, the period of parole shall be served in accordance with the provisions of [Section](#)  
10 [31-21-10 NMSA 1978](#) for the ~~[degree]~~ class of felony for the basic sentence for which the  
11 inmate was convicted. For the purpose of designating a period of parole, a court shall  
12 not consider that the basic sentence of imprisonment was suspended or deferred and  
13 that the inmate served a period of imprisonment pursuant to the provisions of the  
14 Criminal Sentencing Act.

15 E. The court may, in addition to the imposition of a basic sentence of  
16 imprisonment, impose a fine not to exceed:

17 (1) for a class A felony, \$17,500;

18 (2) for a class B felony, \$15,000;

19 (3) for a class C felony, \$12,500;

20 (4) for a class D felony, \$10,000;

21 (5) for a class E felony, \$5,000;

22 (6) for a class F felony, \$5,000;

23 (7) for a class G felony, \$5,000;

24 (8) for a class H felony, \$5,000.

25 ~~[(1) for a first degree felony resulting in the death of a child, seventeen~~  
26 ~~thousand five hundred dollars (\$17,500);~~

27 ~~(2) for a first degree felony for aggravated criminal sexual penetration,~~  
28 ~~seventeen thousand five hundred dollars (\$17,500);~~

29 ~~(3) for a first degree felony, fifteen thousand dollars (\$15,000);~~

30 ~~(4) for a second degree felony resulting in the death of a human being,~~

1 ~~twelve thousand five hundred dollars (\$12,500);~~

2 ~~————— (5) for a second degree felony for a sexual offense against a child, twelve~~  
3 ~~thousand five hundred dollars (\$12,500);~~

4 ~~————— (6) for a second degree felony for sexual exploitation of children, five~~  
5 ~~thousand dollars (\$5,000);~~

6 ~~————— (7) for a second degree felony, ten thousand dollars (\$10,000);~~

7 ~~————— (8) for a third degree felony resulting in the death of a human being, five~~  
8 ~~thousand dollars (\$5,000);~~

9 ~~————— (9) for a third degree felony for a sexual offense against a child, five~~  
10 ~~thousand dollars (\$5,000);~~

11 ~~————— (10) for a third degree felony for sexual exploitation of children, five~~  
12 ~~thousand dollars (\$5,000);~~

13 ~~————— (11) for a third or fourth degree felony, five thousand dollars (\$5,000); or~~

14 ~~————— (12) for a fourth degree felony for sexual exploitation of children, five~~  
15 ~~thousand dollars (\$5,000).]~~

16 F. When the court imposes a sentence of imprisonment for a felony offense, the  
17 court shall indicate whether or not the offense is a serious violent offense as defined in  
18 [Section 33-2-34 NMSA 1978](#). The court shall inform an offender that the offender's  
19 sentence of imprisonment is subject to the provisions of [Sections 33-2-34, 33-2-36,](#)  
20 [33-2-37](#) and [33-2-38 NMSA 1978](#). If the court fails to inform an offender that the  
21 offender's sentence is subject to those provisions or if the court provides the offender  
22 with erroneous information regarding those provisions, the failure to inform or the  
23 error shall not provide a basis for a writ of habeas corpus.

24 G. No later than October 31 of each year, the New Mexico sentencing commission  
25 shall provide a written report to the secretary of corrections, all New Mexico criminal  
26 court judges, the administrative office of the district attorneys and the chief public  
27 defender. The report shall specify the average reduction in the sentence of  
28 imprisonment for serious violent offenses and nonviolent offenses, as defined in [Section](#)  
29 [33-2-34 NMSA 1978](#), due to meritorious deductions earned by prisoners during the  
30 previous fiscal year pursuant to the provisions of [Sections 33-2-34, 33-2-36, 33-2-37](#)

1 and [33-2-38 NMSA 1978](#). The corrections department shall allow the commission  
2 access to documents used by the department to determine earned meritorious  
3 deductions for prisoners.