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SENATE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PROBATION; ALLOWING FOR SOMEONE ON PROBATION TO
HAVE THE TIME REQUIRED FOR SUPERVISED PROBATION BE DECREASED
FOR GOOD BEHAVIOR.

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

SECTION 1. Section 31-20-5 NMSA 1978 (being Laws 1963,
Chapter 303, Section 29-17, as amended) is amended to read:

"31-20-5. PLACING DEFENDANT ON PROBATION.--

A. When a person has been convicted of a crime for
which a sentence of imprisonment is authorized and when the
magistrate, metropolitan or district court has deferred or
suspended sentence, it shall order the defendant to be placed
on probation for all or some portion of the period of deferment
or suspension if the defendant is in need of supervision,
guidance or direction that is feasible for the corrections

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1 department to furnish. Except for sex offenders as provided in
2 Section 31-20-5.2 NMSA 1978, the total period of probation for
3 district court shall not exceed five years and the total period
4 of probation for the [~~magistrate or metropolitan~~] courts shall
5 be no longer than the maximum allowable incarceration time for
6 the offense at the time of sentencing or as otherwise provided
7 by law.

8 B. If a defendant is required to serve a period of
9 probation subsequent to a period of incarceration:

10 (1) the period of probation shall be served
11 subsequent to any required period of parole, with the time
12 served on parole credited as time served on the period of
13 probation and the conditions of probation imposed by the court
14 deemed as additional conditions of parole; and

15 (2) in the event that the defendant violates
16 any condition of that parole, the parole board shall cause
17 [~~him~~] the defendant to be brought before it pursuant to the
18 provisions of Section 31-21-14 NMSA 1978 and may make any
19 disposition authorized pursuant to that section, and if parole
20 is revoked, the period of parole served in the custody of a
21 correctional facility shall not be credited as time served on
22 probation.

23 C. A person who has been placed on supervised
24 probation as provided for in this section shall, after one year
25 spent on supervised probation, have thirty days of the person's

.211488.1

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1 supervised probation changed to unsupervised probation for
2 every thirty days served without a probation violation;
3 provided that a person shall not be eligible for a reduction in
4 supervised probation time under this subsection if the person
5 is on parole and has time on parole credited toward probation
6 time pursuant to Paragraph (1) of Subsection B of this
7 section."

8 SECTION 2. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2019.

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