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**HOUSE BILL 487**

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000**

**INTRODUCED BY**

**Mimi Stewart**

**AN ACT**

**RELATING TO PROBATION; PROVIDING THAT A DEFENDANT SHALL  
REMAIN ON PROBATION UNTIL HE HAS COMPLETED ALL RESTITUTION  
PAYMENTS.**

**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**

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1 supervision, guidance or direction that is feasible for the  
2 [~~field services division of the~~] corrections department to  
3 furnish; provided, however, the total period of probation for  
4 district court shall not exceed five years and the total  
5 period of probation for the magistrate or metropolitan courts  
6 shall be no longer than the maximum allowable incarceration  
7 time for the offense or as otherwise provided by law.

8 Notwithstanding the provisions of this section, a defendant  
9 shall remain on probation until he has completed all  
10 restitution payments.

11 B. If a defendant is required to serve a period of  
12 probation subsequent to a period of incarceration:

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

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