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HOUSE BILL 289

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Ron Godbey

AN ACT

**RELATING TO CRIMINAL SENTENCING; REMOVING STATUTORY AUTHORITY
FOR COMMITTING A FELONY OFFENDER TO THE CORRECTIONS DEPARTMENT
FOR DIAGNOSTIC PURPOSES; AMENDING SECTIONS OF THE NMSA 1978.**

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

**Section 1. Section 31-20-3 NMSA 1978 (being Laws 1963,
Chapter 303, Section 29-15, as amended) is amended to read:**

**"31-20-3. ORDER DEFERRING OR SUSPENDING SENTENCE
[DIAGNOSTIC COMMITMENT]. -- Upon entry of a judgment of
conviction of any crime not constituting a capital or first
degree felony, any court having jurisdiction when it is
satisfied that the ends of justice and the best interest of
the public as well as the defendant will be served thereby,
may either:**

A. enter an order deferring the imposition of

underscored material = new
[bracketed material] = delete

sentence; or

1 B. sentence the defendant and enter an order
2 suspending in whole or in part the execution of the sentence
3 [or

4 ~~C. commit the convicted person, if convicted of a~~
5 ~~felony and not committed for diagnostic purposes within the~~
6 ~~twelve-month period immediately preceding that conviction, to~~
7 ~~the department of corrections for an indeterminate period not~~
8 ~~to exceed sixty days for purposes of diagnosis, with direction~~
9 ~~that the court be given a report when the diagnosis is~~
10 ~~complete as to what disposition appears best when the interest~~
11 ~~of the public and the individual are evaluated]. "~~

12 Section 2. EFFECTIVE DATE. -- The effective date of the
13 provisions of this act is July 1, 2001.