

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 289

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

AN ACT

RELATING TO CRIMINAL SENTENCING; REVISING PROCEDURES 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. --

A. 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:

1 [A.] (1) enter an order deferring the
2 imposition of sentence; or

3 [B.] (2) sentence the defendant and enter an
4 order suspending in whole or in part the execution of the
5 sentence [~~or~~

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

14 B. Upon entry of a judgment of conviction of a
15 felony offense, if the district court finds a compelling reason
16 to require a psychological diagnostic evaluation of the
17 offender in lieu of or in addition to a pre-sentence report,
18 the district court may order the corrections department to
19 conduct a psychological diagnostic evaluation of the offender
20 and provide the court with a written report when the
21 psychological diagnoses evaluation is complete as to what
22 disposition appears best when the interests of the public and
23 the offender are evaluated. If the offender is not
24 incarcerated at the time that the psychological diagnostic
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underscored material = new
[bracketed material] = delete

1 evaluation is to be conducted, the offender shall report on a
2 date and time and at a probation and parole office designated
3 by the corrections department so that the evaluation may be
4 conducted. If the offender is incarcerated at the time that
5 the psychological diagnostic evaluation is to be conducted, the
6 evaluation shall be conducted at the corrections facility where
7 the offender is incarcerated. The corrections department shall
8 submit the written report regarding disposition of the offender
9 to the district court within sixty days of being ordered by the
10 court to conduct a psychological diagnostic evaluation of the
11 offender."

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

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