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SENATE BILL 511

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

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO CRIMINAL LAW; REQUIRING AN OFFENDER CONVICTED OF
CRIMINAL SEXUAL PENETRATION IN THE FIRST DEGREE, WHEN THE
VICTIM IS LESS THAN THIRTEEN YEARS OF AGE, TO BE TREATED WITH
MEDROXYPROGESTERONE ACETATE; PROVIDING FOR THE OFFENDER'S
ELECTION OF PHYSICAL CASTRATION AS AN ALTERNATIVE PUNISHMENT;
ENACTING A NEW SECTION OF THE NMSA 1978.

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

Section 1. A new section of the Criminal Sentencing Act
is enacted to read:

" NEW MATERIAL OFFENDERS CONVICTED OF CRIMINAL SEXUAL
PENETRATION IN THE FIRST DEGREE WHEN THE VICTIM IS LESS THAN
THIRTEEN YEARS OF AGE-- MANDATORY TREATMENT WITH
MEDROXYPROGESTERONE ACETATE-- OFFENDER MAY ELECT PHYSICAL
CASTRATION AS AN ALTERNATIVE PENALTY-- PENALTY FOR

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1 NONCOMPLIANCE WITH TREATMENT ORDER. - -

2 A. In addition to all other penalties, a person
3 convicted of criminal sexual penetration in the first degree,
4 when the victim is less than thirteen years of age, as
5 provided in Paragraph (1) of Subsection C of Section 30-9-11
6 NMSA 1978, shall be treated with medroxyprogesterone acetate
7 pursuant to a schedule of administration monitored by the
8 corrections department.

9 B. A court order that requires an offender to
10 undergo treatment with medroxyprogesterone acetate shall be
11 contingent upon a determination by a court-appointed medical
12 expert that the offender is an appropriate candidate for the
13 treatment. The medical expert's determination shall be made
14 no later than sixty days following the offender's conviction.
15 A court order that requires an offender to undergo treatment
16 with medroxyprogesterone acetate shall specify the duration of
17 the treatment.

18 C. Notwithstanding the provisions of Subsection A
19 of this section, the court may order the offender to undergo
20 physical castration if the offender presents the court with a
21 written motion that sets forth the offender's intelligent,
22 knowing and voluntary consent to physical castration as an
23 alternative to treatment with medroxyprogesterone acetate.

24 D. The corrections department shall provide the
25 services necessary to administer medroxyprogesterone acetate

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1 treatment to an offender. The provisions of this section
2 shall not be interpreted to require the continued
3 administration of medroxyprogesterone acetate treatment when
4 it is not medically appropriate.

5 E. If an offender ordered by a court to undergo
6 treatment with medroxyprogesterone acetate refuses to allow
7 the administration of that treatment, the offender is guilty
8 of a second degree felony and shall be sentenced in accordance
9 with the provisions of Section 31-18-15 NMSA 1978. "

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