SENATE BILL 143

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO CORRECTIONS; INCREASING THE MAXIMUM CASE LOAD OF A PROBATION AND PAROLE OFFICER WORKING IN INTENSIVE SUPERVISION PROGRAMS FROM TWENTY TO FORTY OFFENDERS.

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

SECTION 1. Section 31-21-13.1 NMSA 1978 (being Laws 1988, Chapter 62, Section 3, as amended) is amended to read:

"31-21-13.1. INTENSIVE SUPERVISION PROGRAMS.--

A. As used in this section, "intensive supervision programs" means programs that provide highly structured and intense supervision, with stringent reporting requirements, of certain individuals who represent an excessively high assessment of risk of violation of probation or parole, emphasize meaningful rehabilitative activities and reasonable alternatives without seriously increasing the risk of

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1   recidivist crime and facilitate the payment of restitution by

2   the offender to the victim. "Intensive supervision programs"

3   include house arrest programs or electronic surveillance

4   programs or both.

5   B.   The corrections department shall implement and

6   operate intensive supervision programs in various local

7   communities. The programs shall provide services for

8   appropriate individuals by probation and parole officers of the

9   corrections department. The corrections department shall

10 promulgate rules and regulations to provide that the officers

11 providing these services have a maximum case load of [twenty]

12 forty offenders and to provide for offender selection and other

13 criteria. The corrections department may cooperate with all

14 recognized law enforcement authorities and share all necessary

15 and pertinent information, records or documents regarding

16 probationers or parolees in order to implement and operate

17 these intensive supervision programs.

18   C.   For purposes of this section, a judge

19 contemplating imposition of an intensive supervision program

20 for an individual shall consult with the adult probation and

21 parole division of the corrections department and consider the

22 recommendations before imposing such probation. The adult

23 probation and parole division of the corrections department

24 shall recommend only those individuals who would have otherwise

25 been recommended for incarceration for intensive supervision

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programs. A judge has discretion to impose an intensive supervision program for an individual, regardless of recommendations made by the adult probation and parole division. Inmates eligible for parole, or within twelve months of eligibility for parole, or inmates who would otherwise remain in a correctional institution for lack of a parole plan or those parolees whose parole the board would otherwise revoke are eligible for intensive supervision programs. The provisions of this section do not limit or reduce the statutory authority vested in probation and parole supervision as defined by any other section of the Probation and Parole Act.

D. There is created in the state treasury the "corrections department intensive supervision fund" to be administered by the corrections department upon vouchers signed by the secretary of corrections. Balances in the corrections department intensive supervision fund shall not revert to the general fund. Beginning July 1, 1988, the intensive supervision programs established pursuant to this section shall be funded by those supervision costs collected pursuant to the provisions of Sections 31-20-6 and 31-21-10 NMSA 1978. The corrections department is specifically authorized to hire additional permanent or term full-time equivalent positions for the purpose of implementing the provisions of this section."

- 3 -

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