

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 60

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Paul A. Pacheco

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING THAT NO MORE THAN FIFTEEN PERCENT OF A SENTENCE IMPOSED FOR A FELONY OFFENSE THAT IS A SERIOUS VIOLENT OFFENSE MAY BE SUSPENDED OR DEFERRED.

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:

[A.] (1) enter an order deferring the

underscored material = new
[bracketed material] = delete

1 imposition of sentence;

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

5 [G-] (3) commit the convicted person, if
6 convicted of a felony and not committed for diagnostic purposes
7 within the twelve-month period immediately preceding that
8 conviction, to the [~~department of~~] corrections department for
9 an indeterminate period not to exceed sixty days for purposes
10 of diagnosis, with direction that the court be given a report
11 when the diagnosis is complete as to what disposition appears
12 best when the interest of the public and the individual are
13 evaluated.

14 B. No more than fifteen percent of the basic
15 sentence of imprisonment provided pursuant to Section 31-18-15
16 NMSA 1978, imposed for a felony offense that is a serious
17 violent offense, as defined in Section 33-2-34 NMSA 1978, shall
18 be suspended or deferred."

19 SECTION 2. Section 31-20-4 NMSA 1978 (being Laws 1963,
20 Chapter 303, Section 29-16) is amended to read:

21 "31-20-4. APPLICATION OF ORDER DEFERRING OR SUSPENDING
22 SENTENCE.--An order deferring or suspending sentence may be
23 limited to one or more counts or indictments, but, in the
24 absence of express limitation, it shall extend to the entire
25 judgment, unless otherwise prohibited by law."

.201952.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.