

HOUSE BILL 296

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

INTRODUCED BY

Rod Montoya

AN ACT

RELATING TO CRIMINAL SENTENCING; AMENDING A SECTION OF THE  
PROBATION AND PAROLE ACT TO ADD PERSONS CONVICTED IN  
MAGISTRATE, METROPOLITAN OR MUNICIPAL COURTS TO THE DEFINITION  
OF "ADULT".

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

**SECTION 1.** Section 31-21-5 NMSA 1978 (being Laws 1978,  
Chapter 41, Section 1, as amended) is amended to read:

"31-21-5. DEFINITIONS.--As used in the Probation and  
Parole Act:

A. "probation" means the procedure under which an  
adult defendant, found guilty of a crime upon verdict or plea,  
is released by the court without imprisonment under a suspended  
or deferred sentence and subject to conditions;

B. "parole" means the release to the community of

.203507.1

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1 an inmate of an institution by decision of the board or by  
2 operation of law, subject to conditions imposed by the board  
3 and to its supervision;

4 C. "institution" means the state penitentiary and  
5 any other similar state institution hereinafter created;

6 D. "board" means the parole board;

7 E. "director" means the director of the ~~[field~~  
8 ~~services]~~ adult probation and parole division of the  
9 corrections department or any employee designated by ~~[him]~~ the  
10 director; and

11 F. "adult" means any person convicted of a crime by  
12 a district, magistrate, metropolitan or municipal court."

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