

1 SENATE BILL 277

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

5
6
7
8
9
10 AN ACT

11 RELATING TO INCARCERATED WOMEN; PROVIDING FOR THE RELEASE OF
12 WOMEN WHO ARE EXPECTING A CHILD OR LACTATING.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] RELEASE OF INCARCERATED WOMEN
16 WHO ARE PREGNANT OR LACTATING.--

17 A. The court shall take into account an
18 incarcerated woman's pregnancy and lactation status when
19 determining whether she is eligible for release or bond and in
20 the computation of good time credit. A presumption shall be
21 made in favor of release for a woman who is pregnant or
22 lactating.

23 B. At the court's discretion, an incarcerated woman
24 who is due to give birth may be granted release from
25 incarceration in a prison or jail prior to the presumptive

.206231.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 birth date of her child and for up to eighteen months after the
2 birth of her child, or for as long as medically indicated,
3 unless a finding is made in court that public safety or the
4 well-being of the woman or her child would not be best served
5 outside of a correctional setting. For the duration of her
6 release, a woman released pursuant to this section shall be
7 placed on the least restrictive conditions of release necessary
8 to ensure her return to custody. After the period of release,
9 the woman shall serve any remaining portion of her sentence.

10 C. As used in this section, "release" means:

11 (1) custodial release, which is release under
12 such court-imposed restrictions as to satisfy the court that
13 the woman remains in custody while released; and

14 (2) noncustodial release, which is release
15 under such conditions that are not considered custodial.

16 SECTION 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2017.