

HOUSE BILL 116

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Elizabeth "Liz" Thomson and Marian Matthews and Tara Jaramillo

AN ACT

RELATING TO CRIME; REMOVING THE TIME LIMITATION FOR COMMENCING PROSECUTION OF HUMAN TRAFFICKING; INCREASING THE AGE FOR SEXUAL EXPLOITATION OF CHILDREN BY PROSTITUTION TO EIGHTEEN; ADDING "HUMAN TRAFFICKING" TO THE DEFINITION OF RACKETEERING; AMENDING THE ELEMENTS OF HUMAN TRAFFICKING; PROVIDING A DEFINITION OF "HARM"; PROHIBITING CERTAIN DEFENSES IN A PROSECUTION FOR HUMAN TRAFFICKING; ADDING VICTIMS OF HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN TO THE VICTIMS OF CRIME ACT; PROHIBITING EARNED MERITORIOUS DEDUCTIONS FOR A HUMAN TRAFFICKING SENTENCE.

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

SECTION 1. Section 30-1-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A

.227014.2

underscoring material = new
[bracketed material] = delete

1 person shall not be prosecuted, tried or punished in any court
2 of this state unless the indictment is found or information or
3 complaint is filed within the time as provided:

4 A. for a second degree felony, within six years
5 from the time the crime was committed;

6 B. for a third or fourth degree felony, within five
7 years from the time the crime was committed;

8 C. for a misdemeanor, within two years from the
9 time the crime was committed;

10 D. for a petty misdemeanor, within one year from
11 the time the crime was committed;

12 E. for any crime against or violation of Section
13 51-1-38 NMSA 1978, within three years from the time the crime
14 was committed;

15 F. for a felony pursuant to Section 7-1-71.3,
16 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the
17 crime was committed; provided that for a series of crimes
18 involving multiple filing periods within one calendar year, the
19 limitation shall begin to run on December 31 of the year in
20 which the crimes occurred;

21 G. for an identity theft crime pursuant to Section
22 30-16-24.1 NMSA 1978, within five years from the time the crime
23 was discovered;

24 H. for any crime not contained in the Criminal Code
25 or where a limitation is not otherwise provided for, within

.227014.2

underscoring material = new
[bracketed material] = delete

1 three years from the time the crime was committed; and

2 I. for a capital felony, a first degree violent
3 felony, [~~or~~] second degree murder pursuant to Subsection B of
4 Section 30-2-1 NMSA 1978 or any crime against or in violation
5 of Section 30-52-1 NMSA 1978, no limitation period shall exist
6 and prosecution for these crimes may commence at any time after
7 the occurrence of the crime."

8 SECTION 2. Section 30-6A-4 NMSA 1978 (being Laws 1984,
9 Chapter 92, Section 4, as amended) is amended to read:

10 "30-6A-4. SEXUAL EXPLOITATION OF CHILDREN BY
11 PROSTITUTION.--

12 A. Any person knowingly receiving any pecuniary
13 profit as a result of a child under the age of [~~sixteen~~]
14 eighteen engaging in a prohibited sexual act with another is
15 guilty of a second degree felony, unless the child is under the
16 age of thirteen, in which event the person is guilty of a first
17 degree felony.

18 B. Any person knowingly hiring or offering to hire
19 a child under the age of [~~sixteen~~] eighteen to engage in any
20 prohibited sexual act is guilty of a second degree felony.

21 C. Any parent, legal guardian or person having
22 custody or control of a child under [~~sixteen~~] eighteen years of
23 age who knowingly permits that child to engage in or to assist
24 any other person to engage in any prohibited sexual act or
25 simulation of such an act for the purpose of producing any

.227014.2

underscored material = new
[bracketed material] = delete

1 visual or print medium depicting such an act is guilty of a
2 third degree felony.

3 D. In a prosecution for sexual exploitation of
4 children by prostitution, it shall not constitute a defense to
5 prosecution that the defendant's intended victim was a peace
6 officer posing as a child under eighteen years of age."

7 SECTION 3. Section 30-42-3 NMSA 1978 (being Laws 1980,
8 Chapter 40, Section 3, as amended by Laws 2009, Chapter 253,
9 Section 7 and by Laws 2009, Chapter 261, Section 7) is amended
10 to read:

11 "30-42-3. DEFINITIONS.--As used in the Racketeering Act:

12 A. "racketeering" means any act that is chargeable
13 or indictable under the laws of New Mexico and punishable by
14 imprisonment for more than one year, involving any of the
15 following cited offenses:

16 (1) murder, as provided in Section 30-2-1 NMSA
17 1978;

18 (2) robbery, as provided in Section 30-16-2
19 NMSA 1978;

20 (3) kidnapping, as provided in Section 30-4-1
21 NMSA 1978;

22 (4) forgery, as provided in Section 30-16-10
23 NMSA 1978;

24 (5) larceny, as provided in Section 30-16-1
25 NMSA 1978;

.227014.2

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

1 (6) fraud, as provided in Section 30-16-6 NMSA
2 1978;

3 (7) embezzlement, as provided in Section
4 30-16-8 NMSA 1978;

5 (8) receiving stolen property, as provided in
6 Section 30-16-11 NMSA 1978;

7 (9) bribery, as provided in Sections 30-24-1
8 through 30-24-3.1 NMSA 1978;

9 (10) gambling, as provided in Sections
10 30-19-3, 30-19-13 and 30-19-15 NMSA 1978;

11 (11) illegal kickbacks, as provided in
12 Sections 30-41-1 and 30-41-2 NMSA 1978;

13 (12) extortion, as provided in Section 30-16-9
14 NMSA 1978;

15 (13) trafficking in controlled substances, as
16 provided in Section 30-31-20 NMSA 1978;

17 (14) arson and aggravated arson, as provided
18 in Subsection A of Section 30-17-5 and Section 30-17-6 NMSA
19 1978;

20 (15) promoting prostitution, as provided in
21 Section 30-9-4 NMSA 1978;

22 (16) criminal solicitation, as provided in
23 Section 30-28-3 NMSA 1978;

24 (17) fraudulent securities practices, as
25 provided in the New Mexico Uniform Securities Act [~~of 1986~~];

.227014.2

underscored material = new
[bracketed material] = delete

1 (18) loan sharking, as provided in Sections
2 30-43-1 through 30-43-5 NMSA 1978;

3 (19) distribution of controlled substances or
4 controlled substance analogues, as provided in Sections
5 30-31-21 and 30-31-22 NMSA 1978;

6 (20) a violation of the provisions of Section
7 30-51-4 NMSA 1978;

8 (21) unlawful taking of a vehicle or motor
9 vehicle, as provided in Section 30-16D-1 NMSA 1978;

10 (22) embezzlement of a vehicle or motor
11 vehicle, as provided in Section 30-16D-2 NMSA 1978;

12 (23) fraudulently obtaining a vehicle or motor
13 vehicle, as provided in Section 30-16D-3 NMSA 1978;

14 (24) receiving or transferring stolen vehicles
15 or motor vehicles, as provided in Section 30-16D-4 NMSA 1978;

16 [~~and~~]

17 (25) altering or changing the serial number,
18 engine number, decal or other numbers or marks of a vehicle or
19 motor vehicle, as provided in Section 30-16D-6 NMSA 1978; and

20 (26) human trafficking, as provided in Section
21 30-52-1 NMSA 1978;

22 B. "person" means an individual or entity capable
23 of holding a legal or beneficial interest in property;

24 C. "enterprise" means a sole proprietorship,
25 partnership, corporation, business, labor union, association or

.227014.2

underscored material = new
[bracketed material] = delete

1 other legal entity or a group of individuals associated in fact
2 although not a legal entity and includes illicit as well as
3 licit entities; and

4 D. "pattern of racketeering activity" means
5 engaging in at least two incidents of racketeering with the
6 intent of accomplishing any of the prohibited activities set
7 forth in Subsections A through D of Section 30-42-4 NMSA 1978;
8 provided at least one of the incidents occurred after February
9 28, 1980 and the last incident occurred within five years after
10 the commission of a prior incident of racketeering."

11 SECTION 4. Section 30-52-1 NMSA 1978 (being Laws 2008,
12 Chapter 17, Section 1) is amended to read:

13 "30-52-1. HUMAN TRAFFICKING.--

14 A. Human trafficking consists of a person
15 knowingly:

16 (1) recruiting, soliciting, enticing,
17 transporting, harboring, maintaining, patronizing, providing or
18 obtaining by any means another person with the intent or
19 knowledge that force, fraud or coercion will be used to subject
20 the person to labor, services or commercial sexual activity;

21 (2) recruiting, soliciting, enticing,
22 transporting, harboring, maintaining, patronizing, providing or
23 obtaining by any means a person under the age of eighteen years
24 with the intent or knowledge that the person will be caused to
25 engage in commercial sexual activity; [or]

.227014.2

underscored material = new
[bracketed material] = delete

1 (3) benefiting, financially or by receiving
2 anything of value, from the labor, services or commercial
3 sexual activity of another person [~~with the knowledge~~] where
4 the person benefiting knew or should have known that force,
5 fraud or coercion was used to obtain the labor, services or
6 commercial sexual activity; or

7 (4) utilizing a person's services to compel
8 the repayment of a financial debt or other obligation when the
9 person who holds or enforces the debt or obligation does not
10 pay the laborer in accordance with state and local law and has
11 actual or perceived control over the laborer, and the laborer
12 has no reasonable means to terminate the labor arrangement.

13 B. The attorney general and the district attorney
14 in the county of jurisdiction have concurrent jurisdiction to
15 enforce the provisions of this section.

16 C. Whoever commits human trafficking is guilty of a
17 [~~third~~] second degree felony; except if the victim is under the
18 age of

19 [~~(1) sixteen, the person is guilty of a second~~
20 ~~degree felony; or~~

21 ~~(2) thirteen]~~ eighteen, the person is guilty
22 of a first degree felony.

23 D. Prosecution pursuant to this section shall not
24 prevent prosecution pursuant to any other provision of the law
25 when the conduct also constitutes a violation of that other

.227014.2

underscored material = new
[bracketed material] = delete

1 provision. Each violation of this section constitutes a
2 separate offense and shall not merge with any other offense.

3 E. In a prosecution pursuant to this section, a
4 human trafficking victim shall not be charged with accessory to
5 the crime of human trafficking or for prostitution as provided
6 in Section 30-9-2 NMSA 1978.

7 F. A person convicted of human trafficking shall,
8 in addition to any other punishment, be ordered to make
9 restitution to the victim for the gross income or value of the
10 victim's labor or services and any other actual damages in
11 accordance with Section 31-17-1 NMSA 1978.

12 G. As used in this section:

13 (1) "coercion" means:

14 (a) causing or threatening to cause harm
15 or physical restraint to any person;

16 (b) using or threatening to use physical
17 force or physical restraint against any person;

18 (c) abusing or threatening to abuse the
19 law or legal process;

20 (d) threatening to report the
21 immigration status of any person to governmental authorities;
22 or

23 (e) knowingly destroying, concealing,
24 removing, confiscating or retaining any actual or purported
25 government document of any person; ~~and~~

.227014.2

underscored material = new
[bracketed material] = delete

1 (2) "commercial sexual activity" means any
2 sexual act or sexually explicit exhibition for which anything
3 of value is given, promised to or received by any person; and

4 (3) "harm" means any harm, whether physical or
5 nonphysical, including psychological, financial or reputational
6 harm that is sufficiently serious, under all of the surrounding
7 circumstances, to compel a reasonable person of the same
8 background and in the same circumstances to perform or to
9 continue performing compelled labor, services or commercial
10 sexual activity to avoid or attempt to avoid receiving harm.

11 H. In a prosecution for human trafficking pursuant
12 to this section, evidence of the following facts or conditions
13 shall not constitute a defense to prosecution:

14 (1) the victim's sexual history or history of
15 commercial sexual activity, specific instances of the victim's
16 sexual conduct, opinion evidence of the victim's sexual conduct
17 and reputational evidence of the victim's sexual conduct;

18 (2) the consent of a minor;

19 (3) a mistake as to the victim's age; and

20 (4) that the defendant's intended victim was a
21 peace officer posing as a child under eighteen years of age.

22 I. A person convicted of human trafficking pursuant
23 to this section shall be subject to the Forfeiture Act."

24 SECTION 5. Section 31-26-3 NMSA 1978 (being Laws 1994,
25 Chapter 144, Section 3, as amended) is amended to read:

.227014.2

underscored material = new
[bracketed material] = delete

1 "31-26-3. DEFINITIONS.--As used in the Victims of Crime
2 Act:

3 A. "court" means magistrate court, metropolitan
4 court, children's court, district court, the court of appeals
5 or the supreme court;

6 B. "criminal offense" means:

7 (1) negligent arson resulting in death or
8 bodily injury, as provided in Paragraph (1) of Subsection [B] G
9 of Section 30-17-5 NMSA 1978;

10 (2) aggravated arson, as provided in Section
11 30-17-6 NMSA 1978;

12 (3) aggravated assault, as provided in Section
13 30-3-2 NMSA 1978;

14 (4) aggravated battery, as provided in Section
15 30-3-5 NMSA 1978;

16 (5) dangerous use of explosives, as provided
17 in Section 30-7-5 NMSA 1978;

18 (6) negligent use of a deadly weapon, as
19 provided in Section 30-7-4 NMSA 1978;

20 (7) murder, as provided in Section 30-2-1 NMSA
21 1978;

22 (8) voluntary manslaughter, as provided in
23 Section 30-2-3 NMSA 1978;

24 (9) involuntary manslaughter, as provided in
25 Section 30-2-3 NMSA 1978;

.227014.2

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

1 (10) kidnapping, as provided in Section 30-4-1
2 NMSA 1978;

3 (11) criminal sexual penetration, as provided
4 in Section 30-9-11 NMSA 1978;

5 (12) criminal sexual contact of a minor, as
6 provided in Section 30-9-13 NMSA 1978;

7 (13) armed robbery, as provided in Section
8 30-16-2 NMSA 1978;

9 (14) homicide by vehicle, as provided in
10 Section 66-8-101 NMSA 1978;

11 (15) great bodily injury by vehicle, as
12 provided in Section 66-8-101 NMSA 1978;

13 (16) abandonment or abuse of a child, as
14 provided in Section 30-6-1 NMSA 1978;

15 (17) stalking or aggravated stalking, as
16 provided in the Harassment and Stalking Act;

17 (18) aggravated assault against a household
18 member, as provided in Section 30-3-13 NMSA 1978;

19 (19) assault against a household member with
20 intent to commit a violent felony, as provided in Section
21 30-3-14 NMSA 1978;

22 (20) battery against a household member, as
23 provided in Section 30-3-15 NMSA 1978; [or]

24 (21) aggravated battery against a household
25 member, as provided in Section 30-3-16 NMSA 1978;

.227014.2

underscoring material = new
[bracketed material] = delete

1 (22) human trafficking, as provided in Section
2 30-52-1 NMSA 1978; or

3 (23) sexual exploitation of children, as
4 provided in Section 30-6A-3 NMSA 1978;

5 C. "court proceeding" means a hearing, argument or
6 other action scheduled by and held before a court;

7 D. "family member" means a spouse, child, sibling,
8 parent or grandparent;

9 E. "formally charged" means the filing of an
10 indictment, the filing of a criminal information pursuant to a
11 bind-over order, the filing of a petition or the setting of a
12 preliminary hearing;

13 F. "victim" means an individual against whom a
14 criminal offense is committed. "Victim" also means a family
15 member or a victim's representative when the individual against
16 whom a criminal offense was committed is a minor, is
17 incompetent or is a homicide victim; and

18 G. "victim's representative" means an individual
19 designated by a victim or appointed by the court to act in the
20 best interests of the victim."

21 SECTION 6. Section 33-2-34 NMSA 1978 (being Laws 1999,
22 Chapter 238, Section 1, as amended) is amended to read:

23 "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS
24 DEDUCTIONS.--

25 A. To earn meritorious deductions, a prisoner

.227014.2

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

1 confined in a correctional facility designated by the
2 corrections department must be an active participant in
3 programs recommended for the prisoner by the classification
4 supervisor and approved by the warden or the warden's
5 designee. Meritorious deductions shall not exceed the
6 following amounts:

7 (1) for a prisoner confined for committing a
8 serious violent offense, up to a maximum of four days per
9 month of time served;

10 (2) for a prisoner confined for committing a
11 nonviolent offense, up to a maximum of thirty days per month
12 of time served;

13 (3) for a prisoner confined following
14 revocation of parole for the alleged commission of a new
15 felony offense or for absconding from parole, up to a maximum
16 of four days per month of time served during the parole term
17 following revocation; and

18 (4) for a prisoner confined following
19 revocation of parole for a reason other than the alleged
20 commission of a new felony offense or absconding from parole:

21 (a) up to a maximum of eight days per
22 month of time served during the parole term following
23 revocation, if the prisoner was convicted of a serious violent
24 offense or failed to pass a drug test administered as a
25 condition of parole; or

.227014.2

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

1 (b) up to a maximum of thirty days per
2 month of time served during the parole term following
3 revocation, if the prisoner was convicted of a nonviolent
4 offense.

5 B. A prisoner may earn meritorious deductions upon
6 recommendation by the classification supervisor, based upon
7 the prisoner's active participation in approved programs and
8 the quality of the prisoner's participation in those approved
9 programs. A prisoner may not earn meritorious deductions
10 unless the recommendation of the classification supervisor is
11 approved by the warden or the warden's designee.

12 C. If a prisoner's active participation in
13 approved programs is interrupted by a lockdown at a
14 correctional facility, the prisoner may continue to be awarded
15 meritorious deductions at the rate the prisoner was earning
16 meritorious deductions prior to the lockdown, unless the
17 warden or the warden's designee determines that the prisoner's
18 conduct contributed to the initiation or continuance of the
19 lockdown.

20 D. A prisoner confined in a correctional facility
21 designated by the corrections department is eligible for lump-
22 sum meritorious deductions as follows:

23 (1) for successfully completing an approved
24 vocational, substance abuse or mental health program, one
25 month; except when the prisoner has a demonstrable physical,

.227014.2

1 mental health or developmental disability that prevents the
2 prisoner from successfully earning a high school equivalency
3 credential, in which case, the prisoner shall be awarded three
4 months;

5 (2) for earning a high school equivalency
6 credential, three months;

7 (3) for earning an associate's degree, four
8 months;

9 (4) for earning a bachelor's degree, five
10 months;

11 (5) for earning a graduate qualification,
12 five months; and

13 (6) for engaging in a heroic act of saving
14 life or property, engaging in extraordinary conduct for the
15 benefit of the state or the public that is at great expense or
16 risk to or involves great effort on the part of the prisoner
17 or engaging in extraordinary conduct far in excess of normal
18 program assignments that demonstrates the prisoner's
19 commitment to self-rehabilitation. The classification
20 supervisor and the warden or the warden's designee may
21 recommend the number of days to be awarded in each case based
22 upon the particular merits, but any award shall be determined
23 by the director of the adult institutions division of the
24 corrections department or the director's designee.

25 E. Lump-sum meritorious deductions, provided in

.227014.2

1 Paragraphs (1) through (6) of Subsection D of this section,
2 may be awarded in addition to the meritorious deductions
3 provided in Subsections A and B of this section. Lump-sum
4 meritorious deductions shall not exceed one year per award and
5 shall not exceed a total of one year for all lump-sum
6 meritorious deductions awarded in any consecutive twelve-month
7 period.

8 F. A prisoner is not eligible to earn meritorious
9 deductions if the prisoner:

10 (1) disobeys an order to perform labor,
11 pursuant to Section 33-8-4 NMSA 1978;

12 (2) is in disciplinary segregation;

13 (3) is confined for committing a serious
14 violent offense and is within the first sixty days of receipt
15 by the corrections department; or

16 (4) is not an active participant in programs
17 recommended and approved for the prisoner by the
18 classification supervisor.

19 G. The provisions of this section shall not be
20 interpreted as providing eligibility to earn meritorious
21 deductions from a sentence of life imprisonment or a sentence
22 of life imprisonment without possibility of release or parole.

23 H. The corrections department shall promulgate
24 rules to implement the provisions of this section, and the
25 rules shall be matters of public record. A concise summary of

1 the rules shall be provided to each prisoner, and each
2 prisoner shall receive a quarterly statement of the
3 meritorious deductions earned.

4 I. A New Mexico prisoner confined in a federal or
5 out-of-state correctional facility is eligible to earn
6 meritorious deductions for active participation in programs on
7 the basis of the prisoner's conduct and program reports
8 furnished by that facility to the corrections department. All
9 decisions regarding the award and forfeiture of meritorious
10 deductions at such facility are subject to final approval by
11 the director of the adult institutions division of the
12 corrections department or the director's designee.

13 J. In order to be eligible for meritorious
14 deductions, a prisoner confined in a federal or out-of-state
15 correctional facility designated by the corrections department
16 must actively participate in programs that are available. If
17 a federal or out-of-state correctional facility does not have
18 programs available for a prisoner, the prisoner may be awarded
19 meritorious deductions at the rate the prisoner could have
20 earned meritorious deductions if the prisoner had actively
21 participated in programs.

22 K. A prisoner confined in a correctional facility
23 in New Mexico that is operated by a private company, pursuant
24 to a contract with the corrections department, is eligible to
25 earn meritorious deductions in the same manner as a prisoner

1 confined in a state-run correctional facility. All decisions
2 regarding the award or forfeiture of meritorious deductions at
3 such facilities are subject to final approval by the director
4 of the adult institutions division of the corrections
5 department or the director's designee.

6 L. As used in this section:

7 (1) "active participant" means a prisoner
8 who has begun, and is regularly engaged in, approved programs;

9 (2) "program" means work, vocational,
10 educational, substance abuse and mental health programs,
11 approved by the classification supervisor, that contribute to
12 a prisoner's self-betterment through the development of
13 personal and occupational skills. "Program" does not include
14 recreational activities;

15 (3) "nonviolent offense" means any offense
16 other than a serious violent offense; and

17 (4) "serious violent offense" means:

18 (a) second degree murder, as provided
19 in Section 30-2-1 NMSA 1978;

20 (b) voluntary manslaughter, as provided
21 in Section 30-2-3 NMSA 1978;

22 (c) third degree aggravated battery, as
23 provided in Section 30-3-5 NMSA 1978;

24 (d) third degree aggravated battery
25 against a household member, as provided in Section 30-3-16

.227014.2

1 NMSA 1978;

2 (e) first degree kidnapping, as
3 provided in Section 30-4-1 NMSA 1978;

4 (f) first and second degree criminal
5 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

6 (g) second and third degree criminal
7 sexual contact of a minor, as provided in Section 30-9-13 NMSA
8 1978;

9 (h) first and second degree robbery, as
10 provided in Section 30-16-2 NMSA 1978;

11 (i) second degree aggravated arson, as
12 provided in Section 30-17-6 NMSA 1978;

13 (j) shooting at a dwelling or occupied
14 building, as provided in Section 30-3-8 NMSA 1978;

15 (k) shooting at or from a motor
16 vehicle, as provided in Section 30-3-8 NMSA 1978;

17 (l) aggravated battery upon a peace
18 officer, as provided in Section 30-22-25 NMSA 1978;

19 (m) assault with intent to commit a
20 violent felony upon a peace officer, as provided in Section
21 30-22-23 NMSA 1978;

22 (n) aggravated assault upon a peace
23 officer, as provided in Section 30-22-22 NMSA 1978; or

24 (o) any of the following offenses, when
25 the nature of the offense and the resulting harm are such that

.227014.2

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

1 the court judges the crime to be a serious violent offense for
2 the purpose of this section: 1) involuntary manslaughter, as
3 provided in Section 30-2-3 NMSA 1978; 2) fourth degree
4 aggravated assault, as provided in Section 30-3-2 NMSA 1978;
5 3) third degree assault with intent to commit a violent
6 felony, as provided in Section 30-3-3 NMSA 1978; 4) fourth
7 degree aggravated assault against a household member, as
8 provided in Section 30-3-13 NMSA 1978; 5) third degree assault
9 against a household member with intent to commit a violent
10 felony, as provided in Section 30-3-14 NMSA 1978; 6) third and
11 fourth degree aggravated stalking, as provided in Section
12 30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided
13 in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a
14 child, as provided in Section 30-6-1 NMSA 1978; 9) first,
15 second and third degree abuse of a child, as provided in
16 Section 30-6-1 NMSA 1978; 10) third degree dangerous use of
17 explosives, as provided in Section 30-7-5 NMSA 1978; 11) third
18 and fourth degree criminal sexual penetration, as provided in
19 Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual
20 contact of a minor, as provided in Section 30-9-13 NMSA 1978;
21 13) third degree robbery, as provided in Section 30-16-2 NMSA
22 1978; 14) third degree homicide by vehicle or great bodily
23 harm by vehicle, as provided in Section 66-8-101 NMSA 1978;
24 [~~or~~] 15) battery upon a peace officer, as provided in Section
25 30-22-24 NMSA 1978; or 16) human trafficking, as provided in

.227014.2

underscored material = new
[bracketed material] = delete

1 Section 30-52-1 NMSA 1978.

2 M. Except for sex offenders, as provided in
3 Section 31-21-10.1 NMSA 1978, an offender sentenced to
4 confinement in a correctional facility designated by the
5 corrections department who has been released from confinement
6 and who is serving a parole term may be awarded earned
7 meritorious deductions of up to thirty days per month upon
8 recommendation of the parole officer supervising the offender,
9 with the final approval of the adult parole board. The
10 offender must be in compliance with all the conditions of the
11 offender's parole to be eligible for earned meritorious
12 deductions. The adult parole board may remove earned
13 meritorious deductions previously awarded if the offender
14 later fails to comply with the conditions of the offender's
15 parole. The corrections department and the adult parole board
16 shall promulgate rules to implement the provisions of this
17 subsection. This subsection applies to offenders who are
18 serving a parole term on or after July 1, 2004."

19 - 22 -

20
21
22
23
24
25