LFC Requester: Scott Sanchez

Recurring or

Nonrecurring

Fund

Affected

3 Year

Total Cost

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov (Analysis must be uploaded as a PDF)

Date Prepared: 24 February 2025 Check all that apply: Original X Correction Amendment Substitute Substit	. , ,	nal bill, amendment	, substitute or a	correction of a	ı previous bill}			
Bill Number: HB 514	Date Prepare	2025 Check all that apply:						
Anaya					_			
Sponsor: Anaya Number: Person Writing Douglas Carver Fund Or Nonrecurring Probation & Parole Changes Phone: 505-239-8362 Email dhmcarver@unm.edu Marcin Changes Phone: 505-239-8362 Email dhmcarver@unm.edu Changes Changes				Amendmen	nt Subs	titute		
Fitle: Phone: 505-239-8362 Email dhmcarver@unm.edu SECTION II: FISCAL IMPACT APPROPRIATION (dollars in thousands) Appropriation FY25 FY26 PY26 PY26 (Parenthesis () indicate expenditure decreases) REVENUE (dollars in thousands) Estimated Revenue FY25 FY26 FY27 Recurring or Nonrecurring Affected FY25 FY26 FY27 Nonrecurring			and Code Number:	e Ni			mmission 354	
SECTION II: FISCAL IMPACT APPROPRIATION (dollars in thousands) Recurring or Nonrecurring (Parenthesis () indicate expenditure decreases) REVENUE (dollars in thousands) Estimated Revenue FY25 FY26 FY27 Nonrecurring Affected Fund Affected Fund Affected		ole Changes		O			6 1	
APPROPRIATION (dollars in thousands) Appropriation			rnone:	SUS-239-836	<u>z Emaii (</u>	ınmca	rver@unm.edu	
Parenthesis () indicate expenditure decreases) REVENUE (dollars in thousands) Estimated Revenue FY25 FY26 FY27 Recurring or Nonrecurring Affected	Appro			Recu	rring			
REVENUE (dollars in thousands) Estimated Revenue FY25 FY26 FY27 Recurring or Nonrecurring Affected	FY25	FY	26	or Nonr	ecurring		Affected	
REVENUE (dollars in thousands) Estimated Revenue FY25 FY26 FY27 Recurring or Nonrecurring Affected								
REVENUE (dollars in thousands) Estimated Revenue FY25 FY26 FY27 Recurring or Nonrecurring Affected								
Estimated Revenue Recurring or Nonrecurring Fund Affected		re decreases)						
FY25 FY26 FY27 Or Nonrecurring Affected	(Parenthesis () indicate expenditu							
FY25 FY26 FY27 Nonrecurring Affected	(Parenthesis () indicate expenditu	REVENU	E (dollars i	n thousand	ls)			
(Parenthesis () indicate revenue decreases)				n thousand	Recurri	ing	Fund	
(Parenthesis () indicate revenue decreases)	Est	imated Revenue	· · · · · · · · · · · · · · · · · · ·		Recurri			
(Parenthesis () indicate revenue decreases)	Est	imated Revenue	· · · · · · · · · · · · · · · · · · ·		Recurri			
	Est	imated Revenue	· · · · · · · · · · · · · · · · · · ·		Recurri			

FY27

(Parenthesis () Indicate Expenditure Decreases)

Total

FY25

FY26

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 514 requires NMCD to shall develop and implement a system of graduated responses to be used in response to behavior while on probation and parole, including technical violations and absconding. This system shall set forth presumptive sanctions for the most common types of supervision violations and take into account various factors. The presumptive sanctions included in the system of graduated responses shall be exhausted prior to pursuing a return for revocation. NMCD is to provide ongoing training for Probation and Parole Officers on the use of graduated sanctions. NMCD shall present the system plan to the Legislature no later than January 1, 2026, and the system shall be implemented no later than July 1, 2026.

HB 514 also amends Section 31-21-5 NMSA 1978, the definitions section of the Probation and Parole Act, by adding definitions for "absconding", "screening and assessment", "technical violation", "validated risk and needs assessment instrument", and "violation response guidelines".

HB 514 further amends Section 31-21-14, regarding the return of a parole violator, and Section 31-21-15, regarding return of a probation violator, to incorporate language around graduated responses. It also mandates a scheme of penalties for technical violations, as follows:

- 1) For the first technical violation, temporarily revoke supervision and impose a period of incarceration of up to 15 days;
- 2) for the second, temporarily revoke supervision and impose a period of incarceration of up to 30 days;
- 3) for the third technical violation, temporarily revoke supervision and impose a period of incarceration of up to 90 days; and
- 4) for the fourth and subsequent technical violations, revoke supervision and impose a period of incarceration not to exceed the remainder of the parolee's sentence.

Additionally, the board (for parole) or the court (for probation) may impose a period of incarceration beyond the periods outlined if it finds that additional detention is necessary for the parolee's rehabilitation or public safety and the basis for the extended period of incarceration is put on the record. Furthermore, the board (for parole) or the court (for probation) may issue sanctions for technical violations that are harsher than those in the graduated schedule of sanctions for an individual currently serving a period of supervision under a suspended, deferred or conditional discharge from a plea or conviction that includes a serious violent offense as enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978; provided, however, that the court may only issue said harsher sanction if it finds by clear and convincing evidence that there is a direct relationship between the individual's technical violation and the underlying serious violent offense pursuant to Section 33-2-4 NMSA 1978 for which the individual is currently on supervision.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The Sentencing Commission has found that parole-related admissions to NMCD have been relatively stable since FY 2022 – see p. 5 and p. 10 of the New Mexico Prison Population Forecast, FY 2024- FY 2034 (available here: https://nmsc.unm.edu/reports/2024/new-mexico-prison-population-forecast-fy-2024-fy-2034.pdf). Returns for parole violations make up a significant proportion of new admissions.

The National Conference of State Legislatures' "Legislative Primer Series on Community Supervision: Limiting Incarceration in Response to Technical Violations" recommends, "A clear definition in law contributes to transparency and consistency by ensuring that the individual under supervision, their supervision officer and the courts all have the same understanding of what constitutes a technical violation" (available at: https://www.ncsl.org/civil-and-criminal-justice/community-supervision-limiting-incarceration-in-response-to-technical-violations).

The NCSL primer also notes, "There are 34 states with statutory incarceration maximums for probation violations and 24 states with parole maximums. In most of those states, the caps are applied uniformly for all types of supervision."

Addressing technical violations of probation and parole is also in the list of suggested reforms in Pew's "Policy Reforms Can Strengthen Community Supervision: A framework to improve probation and parole" (available at: https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision).

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 359 covers the same areas of law as HB 309 and HB 332.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS