

LFC Requester:**Scott Sanchez****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)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 02/21/2025 *Check all that apply:*
Bill Number: HB514 Original Correction
 Amendment Substitute

Sponsor: Marianna Anaya & Cristina Parajon **Agency Name and Code Number:** 770-NMCD
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	Significant	Significant	Significant	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 514 would require the New Mexico Corrections Department (NMCD) to set up a system with varying levels of penalties for probation and parole violations, including presumptive sanctions for the most common types of supervision violations. This system will apply to both violations and positive behavior. The penalties will depend on factors such as the seriousness of the violation, the person's criminal history, past violations, risk level, and how previous violations were handled. Before returning someone to prison, the department will use these sanctions first.

The corrections department will also train probation and parole officers on how to use these penalties. They must present the plan to the legislature by January 1, 2026, and implement it by July 1, 2026.

For technical violations, the penalties are as follows:

- First offense: temporary revocation of supervision and up to 15 days in jail
- Second offense: temporary revocation of supervision and up to 30 days in jail
- Third offense: temporary revocation of supervision and up to 90 days in jail
- Fourth and subsequent offenses: revocation of supervision and up to the remainder of the original sentence

The parole board or court may apply harsher penalties for technical violations if they find that the violation directly relates to a serious violent offense.

New definitions added include:

- Absconding: When someone on supervision deliberately makes their whereabouts unknown or avoids supervision and attempts to find them have failed
- Screening and assessment: A review to determine whether someone needs and is willing to accept treatment or services, either inpatient or outpatient
- Technical violation: Violating probation or parole conditions, except for committing a new crime, absconding, contacting a victim or witness, or violating an order of protection

FISCAL IMPLICATIONS

Inclusion of the term "willfully" in the definition of absconder creates complications in how willfulness could be determined. To address this ambiguity, NMCD would be compelled to place GPS units on all parolees. When a GPS unit is tampered with, willfulness would be immediately apparent. The cost of additional GPS units and monitoring services, would be substantial.

This bill mandates specific periods of time for carceral sanctions. Carceral parole sanctions would

result in the cost of incarceration for NMCD and such sanctions for probations would result in incarcerations costs for county jails.

SIGNIFICANT ISSUES

The bill contains ambiguous language regarding graduated sanctions. While it seems to direct and authorize NMCD to develop its own system of graduated sanctions, it also provides required carceral sanctions restricting the discretion of parole and probation officers by mandating a graduated response system, even when a violation warrants immediate and stronger action, or when a carceral sanction is not necessary. Officers need flexibility to make case-by-case decisions based on risk factors, rather than being locked into a rigid set of sanctions.

NMCD's current practice is less restrictive. NMCD often has offenders with an average of seven technical violations when they are working, attending counseling, and trying to work on their sobriety, due to relapse being a huge part of their journey to sobriety. Once an arrest is made and a revocation is recommended, a typical offender has had several minor violations addressed with varied alternatives to incarceration.

By removing discretion from probation and parole officers, it forces them to follow a rigid, "one-size-fits-all" approach and inhibits the offender's ability to be successful. A short period of incarceration is not supported by evidence-based practices and is counterproductive to NMCD's therapeutic efforts. A short period of incarceration could cause an offender to lose their job, housing, parental rights, fail their classes in education, and disrupt their progress in counseling. PPD already utilizes alternatives to incarceration, which are more effective sanctions for technical violations that do not warrant full revocation. These alternatives allow PPD officers needed flexibility to make decisions based on their client's specific needs and progress, which this proposed legislation does not allow.

This legislation creates public safety risks and weakens accountability for offenders by reducing the officer's ability to swiftly detain individuals on parole or probation who repeatedly violate conditions or engage in dangerous behavior that may not formally constitute commission of a crime. Examples include an offender arriving at the office intoxicated after driving themselves, or a sex offender being in possession of concerning, though not illegal, pornography.

The proposed legislation will lead to other issues that will further strain the criminal justice system. By imposing jail time for technical violations, county detention centers will see an increase in the populations, directly impacting their budgets. The courts, New Mexico Parole Board, public defenders, and district attorneys will all be impacted. NMCD's prison population will also see an increase, based on a fourth technical violation warranting revocation.

In summary, this legislation undermines the ability of probation and parole officers to customize supervision, which is essential for successful rehabilitation. The lack of flexibility and reliance on preset sanctions could lead to less effective outcomes and hinder the department's ability to support individuals in their rehabilitation.

PERFORMANCE AND ADMINISTRATIVE IMPLICATIONS

The bill mandates the creation, training, and oversight of a new graduated response system, without allocating additional funding. Implementation of new reporting structures and creation of an

appeals processes will increase administrative costs, pulling resources away from core correctional functions, and rehabilitative resources. Currently, existing specialty units which have proved to help offenders achieve success would have to be dismantled and reordered to ensure the one-size-fits all nature of this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

Addressed in full above.

ALTERNATIVES

To allow NMCD's Probation and Parole Division to continue seeing success with specialty units, peer engagement, resource utilization, and individualized supervision, based on the needs of each parolee and probationer.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

NMCD's Probation and Parole Division will have the ability to work with parolees and probationers in a manner that reflects the individual needs of each person. Specialty supervision units will be able to operate uninterrupted providing resources, alternatives to incarceration for individuals needing extra support, and have the ability to enact carceral sanctions when a public safety risk is present and separation from the community is needed.

AMENDMENTS