

1 SENATE BILL 17
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Leo Jaramillo and Nicole Chavez and Andrea Romero
5
6
7
8
9

10 AN ACT

11 RELATING TO PAROLE; AMENDING FACTORS TO BE CONSIDERED BY THE
12 PAROLE BOARD WHEN CONSIDERING PAROLE OF AN INMATE SENTENCED TO
13 LIFE IMPRISONMENT; AMENDING THE PROCESS TO REMOVE A MEMBER OF
14 THE PAROLE BOARD; PROVIDING FOR THE CONSCIENTIOUS SCHEDULING OF
15 HEARINGS.
16

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

18 SECTION 1. Section 31-21-10 NMSA 1978 (being Laws 1980,
19 Chapter 28, Section 1, as amended) is amended to read:

20 "31-21-10. PAROLE AUTHORITY AND PROCEDURE.--

21 A. Except as provided in Section 31-21-10.2 NMSA
22 1978, an inmate of an institution who was sentenced to life
23 imprisonment becomes eligible for a parole hearing after the
24 inmate has served thirty years of the sentence, which shall be
25 construed as the retributive portion of the life sentence.

.229815.2

underscored material = new
[bracketed material] = delete

1 Upon reaching eligibility, parole consideration for release
2 shall focus on risk and readiness for release, as demonstrated
3 by the inmate substantially complying with the rules of the
4 institution to which the inmate has been confined, whether the
5 inmate has participated in or completed an educational, a
6 vocational or another program, where available, while confined
7 and whether the inmate has demonstrated maturity,
8 rehabilitation and a fitness to reenter society. Before
9 ordering the parole of an inmate sentenced to life
10 imprisonment, the board shall:

11 (1) interview the inmate at the institution
12 where the inmate is committed;

13 (2) hear from the family or representative of
14 the victim, if the family or representative chooses to
15 participate;

16 [~~2~~] (3) consider all pertinent information
17 concerning the inmate, including:

18 (a) the circumstances of the offense,
19 including mitigating and aggravating circumstances;

20 [~~b~~] ~~mitigating and aggravating~~
21 ~~circumstances;~~

22 [~~e~~] (b) whether a deadly weapon was
23 used in the commission of the offense;

24 [~~d~~] ~~whether the inmate is a habitual~~
25 ~~offender]~~

.229815.2

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

1 not eligible for parole and shall remain incarcerated for the
2 entirety of the inmate's natural life.

3 D. Except for certain sex offenders as provided in
4 Section 31-21-10.1 NMSA 1978, an inmate who was convicted of a
5 first, second or third degree felony and who has served the
6 sentence of imprisonment imposed by the court in an institution
7 designated by the corrections department shall be required to
8 undergo a two-year period of parole. An inmate who was
9 convicted of a fourth degree felony and who has served the
10 sentence of imprisonment imposed by the court in an institution
11 designated by the corrections department shall be required to
12 undergo a one-year period of parole. During the period of
13 parole, the person shall be under the guidance and supervision
14 of the board.

15 E. Every person while on parole shall remain in the
16 legal custody of the institution from which the person was
17 released, but shall be subject to the orders of the board. The
18 board shall furnish to each inmate as a prerequisite to release
19 under its supervision a written statement of the conditions of
20 parole that shall be accepted and agreed to by the inmate as
21 evidenced by the inmate's signature affixed to a duplicate copy
22 to be retained in the files of the board. The board shall also
23 require as a prerequisite to release the submission and
24 approval of a parole plan. If an inmate refuses to affix the
25 inmate's signature to the written statement of the conditions

.229815.2

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

1 of parole or does not have an approved parole plan, the inmate
2 shall not be released and shall remain in the custody of the
3 institution in which the inmate has served the inmate's
4 sentence, excepting parole, until such time as the period of
5 parole the inmate was required to serve, less meritorious
6 deductions, if any, expires, at which time the inmate shall be
7 released from that institution without parole, or until such
8 time that the inmate evidences acceptance and agreement to the
9 conditions of parole as required or receives approval for the
10 inmate's parole plan or both. Time served from the date that
11 an inmate refuses to accept and agree to the conditions of
12 parole or fails to receive approval for the inmate's parole
13 plan shall reduce the period, if any, to be served under parole
14 at a later date. If the district court has ordered that the
15 inmate make restitution to a victim as provided in Section
16 31-17-1 NMSA 1978, the board shall include restitution as a
17 condition of parole. The board shall also personally apprise
18 the inmate of the conditions of parole and the inmate's duties
19 relating to those conditions of parole.

20 F. When a person on parole has performed the
21 obligations of the person's release for the period of parole
22 provided in this section, the board shall make a final order of
23 discharge and issue the person a certificate of discharge.

24 G. Pursuant to the provisions of Section 31-18-15
25 NMSA 1978, the board shall require the inmate as a condition of

.229815.2

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

1 parole:

2 (1) to pay the actual costs of parole services
3 to the adult probation and parole division of the corrections
4 department for deposit to the corrections department intensive
5 supervision fund not exceeding one thousand eight hundred
6 dollars (\$1,800) annually to be paid in monthly installments of
7 not less than twenty-five dollars (\$25.00) and not more than
8 one hundred fifty dollars (\$150), as set by the appropriate
9 district supervisor of the adult probation and parole division,
10 based upon the financial circumstances of the inmate. The
11 inmate's payment of the supervised parole costs shall not be
12 waived unless the board holds an evidentiary hearing and finds
13 that the inmate is unable to pay the costs. If the board
14 waives the inmate's payment of the supervised parole costs and
15 the inmate's financial circumstances subsequently change so
16 that the inmate is able to pay the costs, the appropriate
17 district supervisor of the adult probation and parole division
18 shall advise the board and the board shall hold an evidentiary
19 hearing to determine whether the waiver should be rescinded;
20 and

21 (2) to reimburse a law enforcement agency or
22 local crime stopper program for the amount of any reward paid
23 by the agency or program for information leading to the
24 inmate's arrest, prosecution or conviction.

25 H. The provisions of this section shall apply to

.229815.2

underscored material = new
[bracketed material] = delete

1 all inmates except geriatric, permanently incapacitated and
2 terminally ill inmates eligible for the medical and geriatric
3 parole program as provided by the Parole Board Act."

4 SECTION 2. Section 31-21-22 NMSA 1978 (being Laws 1975,
5 Chapter 194, Section 1) is amended to read:

6 "31-21-22. SHORT TITLE.--Sections [~~1 through 5 of this~~
7 ~~act]~~ 31-21-22 through 31-21-26 NMSA 1978 may be cited as the
8 "Parole Board Act"."

9 SECTION 3. Section 31-21-24 NMSA 1978 (being Laws 1975,
10 Chapter 194, Section 3, as amended) is amended to read:

11 "31-21-24. PAROLE BOARD--MEMBERS--APPOINTMENT--TERMS--
12 QUALIFICATIONS--COMPENSATION--ORGANIZATION.--

13 A. The "parole board" is created, consisting of
14 fifteen members appointed by the governor with the consent of
15 the senate.

16 B. The terms of the members of the parole board
17 shall be six years. To provide for staggered terms, five
18 members shall be appointed every two years. Members serve
19 until their successors have been appointed and qualified.

20 C. Members of the parole board may be removed [~~by~~
21 ~~the governor as provided in Article 5, Section 5 of the~~
22 ~~constitution of New Mexico]~~ only for incompetence, neglect of
23 duty or malfeasance in office. A proceeding for the removal of
24 a member of the parole board may be commenced by the board or
25 by the governor. A member of the parole board shall be given

.229815.2

1 notice of hearing and an opportunity to be heard before the
2 member is removed. The supreme court has original jurisdiction
3 over proceedings to remove members of the parole board, and the
4 supreme court's decision shall be final. A member of the
5 parole board is also liable for impeachment pursuant to Article
6 4, Section 36 of the constitution of New Mexico. Vacancies
7 shall be filled by appointment by the governor for the
8 remainder of the unexpired term.

9 D. Members of the parole board shall be persons
10 qualified by such academic training or professional experience
11 as is deemed necessary to render them fit to serve as members
12 of the board. No member of the board shall be an official or
13 employee of any other federal, state or local government
14 entity.

15 E. Members of the parole board shall receive per
16 diem and mileage as provided for nonsalaried public officers in
17 the Per Diem and Mileage Act for a scheduled board meeting or
18 hearing and shall receive no other compensation, perquisite or
19 allowance.

20 F. The governor shall designate one member of the
21 parole board to serve as chair, who in addition to other duties
22 shall coordinate with the corrections department in the
23 furnishing of services pursuant to Section 9-3-11 NMSA 1978.

24 G. A parole may be granted, denied or revoked by a
25 quorum of two on a panel consisting of three parole board

1 members appointed on a rotating basis by the chair of the
2 board."

3 SECTION 4. A new Section 31-21-25.2 NMSA 1978 is enacted
4 to read:

5 "31-21-25.2. [NEW MATERIAL] CONSCIENTIOUS SCHEDULING OF
6 HEARINGS IN CASES OF HOMICIDE.--In cases of homicide, the
7 parole board shall not schedule a hearing on the anniversary of
8 the birth or death of the person or persons whose death is the
9 basis for the homicide conviction, when practicable."

10 - 9 -
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25