

1 SENATE BILL 375
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY
4 Antonio Maestas
5

6
7
8
9
10 AN ACT

11 RELATING TO PROBATION; REMOVING THE PAYMENT OF THE COST OF
12 PAROLE SERVICES; ALLOWING A MINIMUM RISK DEFENDANT TO BE
13 RELEASED FROM PROBATION IN CERTAIN CIRCUMSTANCES; CLARIFYING
14 PROJECTED RELEASE DATES FOR MERITORIOUS DEDUCTIONS UPON
15 ADMISSION TO A CORRECTIONAL FACILITY.
16

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

18 SECTION 1. Section 31-18-15 NMSA 1978 (being Laws 1977,
19 Chapter 216, Section 4, as amended) is amended to read:

20 "31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--
21 BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS
22 DEDUCTIONS.--

23 A. As used in a statute that establishes a
24 noncapital felony, the following defined felony classifications
25 and associated basic sentences of imprisonment are as follows:

.230580.2SA

underscored material = new
[bracketed material] = delete

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

1	FELONY CLASSIFICATION	BASIC SENTENCE
2	first degree felony	
3	resulting in the death	
4	of a child	life imprisonment
5	first degree felony for	
6	aggravated criminal sexual	
7	penetration	life imprisonment
8	first degree felony	eighteen years imprisonment
9	second degree felony	
10	resulting in the death of	
11	a human being	eighteen years imprisonment
12	second degree felony for a	
13	sexual offense against a	
14	child	fifteen years imprisonment
15	second degree felony for	
16	sexual exploitation of	
17	children	twelve years imprisonment
18	second degree felony	nine years imprisonment
19	third degree felony resulting	
20	in the death of a human being	six years imprisonment
21	third degree felony for a	
22	sexual offense against a	
23	child	six years imprisonment
24	third degree felony for sexual	
25	exploitation of children	eleven years imprisonment

.230580.2SA

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

1 third degree felony three years imprisonment
2 fourth degree felony for
3 sexual exploitation of
4 children ten years imprisonment
5 fourth degree felony eighteen months imprisonment.

6 B. The appropriate basic sentence of imprisonment
7 shall be imposed upon a person convicted and sentenced pursuant
8 to Subsection A of this section, unless the court alters the
9 sentence pursuant to the provisions of the Criminal Sentencing
10 Act.

11 C. A period of parole shall be imposed only for
12 felony convictions wherein a person is sentenced to
13 imprisonment of more than one year, unless the parties to a
14 proceeding agree that a period of parole should be imposed. If
15 a period of parole is imposed, the court shall include in the
16 judgment and sentence of each person convicted and sentenced to
17 imprisonment in a corrections facility designated by the
18 corrections department authority for a period of parole to be
19 served in accordance with the provisions of Section 31-21-10
20 NMSA 1978 ~~[after the completion of any actual time of~~
21 ~~imprisonment and authority to require, as a condition of~~
22 ~~parole, the payment of the costs of parole services and~~
23 ~~reimbursement to a law enforcement agency or local crime~~
24 ~~stopper program in accordance with the provisions of that~~
25 ~~section]~~. If imposed, the period of parole shall be deemed to

.230580.2SA

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

1 be part of the sentence of the convicted person in addition to
2 the basic sentence imposed pursuant to Subsection A of this
3 section together with alterations, if any, pursuant to the
4 provisions of the Criminal Sentencing Act.

5 D. When a court imposes a sentence of imprisonment
6 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or
7 31-18-17 NMSA 1978 and suspends or defers the basic sentence of
8 imprisonment provided pursuant to the provisions of Subsection
9 A of this section, the period of parole shall be served in
10 accordance with the provisions of Section 31-21-10 NMSA 1978
11 for the degree of felony for the basic sentence for which the
12 inmate was convicted. For the purpose of designating a period
13 of parole, a court shall not consider that the basic sentence
14 of imprisonment was suspended or deferred and that the inmate
15 served a period of imprisonment pursuant to the provisions of
16 the Criminal Sentencing Act.

17 E. The court may, in addition to the imposition of
18 a basic sentence of imprisonment, impose a fine not to exceed:

19 (1) for a first degree felony resulting in the
20 death of a child, seventeen thousand five hundred dollars
21 (\$17,500);

22 (2) for a first degree felony for aggravated
23 criminal sexual penetration, seventeen thousand five hundred
24 dollars (\$17,500);

25 (3) for a first degree felony, fifteen

.230580.2SA

1 thousand dollars (\$15,000);

2 (4) for a second degree felony resulting in
3 the death of a human being, twelve thousand five hundred
4 dollars (\$12,500);

5 (5) for a second degree felony for a sexual
6 offense against a child, twelve thousand five hundred dollars
7 (\$12,500);

8 (6) for a second degree felony for sexual
9 exploitation of children, five thousand dollars (\$5,000);

10 (7) for a second degree felony, ten thousand
11 dollars (\$10,000);

12 (8) for a third degree felony resulting in the
13 death of a human being, five thousand dollars (\$5,000);

14 (9) for a third degree felony for a sexual
15 offense against a child, five thousand dollars (\$5,000);

16 (10) for a third degree felony for sexual
17 exploitation of children, five thousand dollars (\$5,000);

18 (11) for a third or fourth degree felony, five
19 thousand dollars (\$5,000); or

20 (12) for a fourth degree felony for sexual
21 exploitation of children, five thousand dollars (\$5,000).

22 F. When the court imposes a sentence of
23 imprisonment for a felony offense, the court shall indicate
24 whether or not the offense is a serious violent offense as
25 defined in Section 33-2-34 NMSA 1978. The court shall inform

.230580.2SA

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

1 an offender that the offender's sentence of imprisonment is
2 subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37
3 and 33-2-38 NMSA 1978. If the court fails to inform an
4 offender that the offender's sentence is subject to those
5 provisions or if the court provides the offender with erroneous
6 information regarding those provisions, the failure to inform
7 or the error shall not provide a basis for a writ of habeas
8 corpus.

9 G. No later than October 31 of each year, the New
10 Mexico sentencing commission shall provide a written report to
11 the secretary of corrections, all New Mexico criminal court
12 judges, the administrative office of the district attorneys and
13 the chief public defender. The report shall specify the
14 average reduction in the sentence of imprisonment for serious
15 violent offenses and nonviolent offenses, as defined in Section
16 33-2-34 NMSA 1978, due to meritorious deductions earned by
17 prisoners during the previous fiscal year pursuant to the
18 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38
19 NMSA 1978. The corrections department shall allow the
20 commission access to documents used by the department to
21 determine earned meritorious deductions for prisoners."

22 SECTION 2. Section 31-20-5 NMSA 1978 (being Laws 1963,
23 Chapter 303, Section 29-17, as amended) is amended to read:

24 "31-20-5. PLACING DEFENDANT ON PROBATION.--

25 A. When a person has been convicted of a crime for

.230580.2SA

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

1 which a sentence of imprisonment is authorized and when the
2 magistrate, metropolitan or district court has deferred or
3 suspended sentence, it shall order the defendant to be placed
4 on probation for all or some portion of the period of deferment
5 or suspension if the defendant is in need of supervision,
6 guidance or direction that is feasible for the corrections
7 department to furnish. Except for sex offenders as provided in
8 Section 31-20-5.2 NMSA 1978, the total period of probation for
9 district court shall not exceed five years and the total period
10 of probation for the magistrate or metropolitan courts shall be
11 no longer than the maximum allowable incarceration time for the
12 offense or as otherwise provided by law.

13 B. If a defendant is required to serve a period of
14 probation subsequent to a period of incarceration:

15 (1) the period of probation shall be served
16 subsequent to any required period of parole, with the time
17 served on parole credited as time served on the period of
18 probation and the conditions of probation imposed by the court
19 deemed as additional conditions of parole; and

20 (2) in the event that the defendant violates
21 any condition of that parole, the parole board shall cause
22 ~~[him]~~ the defendant to be brought before it pursuant to the
23 provisions of Section 31-21-14 NMSA 1978 and may make any
24 disposition authorized pursuant to that section and, if parole
25 is revoked, the period of parole served in the custody of a

.230580.2SA

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

1 correctional facility shall not be credited as time served on
2 probation.

3 C. A defendant shall automatically be released from
4 probation if the defendant:

5 (1) is classified as a minimum level risk by a
6 validated scoring instrument;

7 (2) has met all of the obligations of the
8 defendant's probation; and

9 (3) has completed one-half or more of the
10 period of probation."

11 SECTION 3. Section 31-21-10 NMSA 1978 (being Laws 1980,
12 Chapter 28, Section 1, as amended) is amended to read:

13 "31-21-10. PAROLE AUTHORITY AND PROCEDURE.--

14 A. Except as provided in Section 31-21-10.2 NMSA
15 1978, an inmate of an institution who was sentenced to life
16 imprisonment becomes eligible for a parole hearing after the
17 inmate has served thirty years of the sentence. Before
18 ordering the parole of an inmate sentenced to life
19 imprisonment, the board shall:

20 (1) interview the inmate at the institution
21 where the inmate is committed;

22 (2) consider all pertinent information
23 concerning the inmate, including:

24 (a) the circumstances of the offense;

25 (b) mitigating and aggravating

.230580.2SA

1 circumstances;

2 (c) whether a deadly weapon was used in
3 the commission of the offense;

4 (d) whether the inmate is a habitual
5 offender;

6 (e) the reports filed under Section
7 31-21-9 NMSA 1978; and

8 (f) the reports of such physical and
9 mental examinations as have been made while in an institution;

10 (3) make a finding that a parole is in the
11 best interest of society and the inmate; and

12 (4) make a finding that the inmate is able and
13 willing to fulfill the obligations of a law-abiding citizen.

14 If parole is denied, the inmate sentenced to life
15 imprisonment shall again become entitled to a parole hearing at
16 two-year intervals. The board may, on its own motion, reopen
17 any case in which a hearing has already been granted and parole
18 denied.

19 B. Unless the board finds that it is in the best
20 interest of society and the parolee to reduce the period of
21 parole, a person who was sentenced to life imprisonment shall
22 be required to undergo a minimum period of parole of five
23 years. During the period of parole, the person shall be under
24 the guidance and supervision of the board.

25 C. An inmate of an institution who was sentenced to
.230580.2SA

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

1 life imprisonment without possibility of release or parole is
2 not eligible for parole and shall remain incarcerated for the
3 entirety of the inmate's natural life.

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

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

.230580.2SA

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

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

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

25 ~~[G. Pursuant to the provisions of Section 31-18-15~~

.230580.2SA

underscoring material = new
[bracketed material] = delete

1 ~~NMSA 1978, the board shall require the inmate as a condition of~~
2 ~~parole:~~

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

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

.230580.2SA

underscored material = new
[bracketed material] = delete

1 H.] G. The provisions of this section shall apply
2 to all inmates except geriatric, permanently incapacitated and
3 terminally ill inmates eligible for the medical and geriatric
4 parole program as provided by the Parole Board Act."

5 SECTION 4. Section 33-2-34 NMSA 1978 (being Laws 1999,
6 Chapter 238, Section 1, as amended) is amended to read:

7 "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS
8 DEDUCTIONS.--

9 A. [~~To earn meritorious deductions~~] A prisoner
10 confined in a correctional facility designated by the
11 corrections department [~~must be an active participant~~] may lose
12 earned meritorious deductions if the prisoner fails to actively
13 participate in programs recommended for the prisoner by the
14 classification supervisor and approved by the warden or the
15 warden's designee.

16 B. Meritorious deductions shall be awarded for the
17 remainder of the sentence, after pre-sentence confinement has
18 been deducted, upon admission to a correctional facility
19 designated by the corrections department.

20 C. Meritorious deductions shall not exceed the
21 following amounts:

22 (1) for a prisoner confined for committing a
23 serious violent offense, [~~up to a maximum of~~] four days per
24 month [~~of time served~~];

25 (2) for a prisoner confined for committing a

underscored material = new
[bracketed material] = delete

1 nonviolent offense, [~~up to a maximum of~~] thirty days per month
2 [~~of time served~~]; and

3 (3) for a prisoner confined following
4 revocation of parole, [~~for the alleged commission of a new~~
5 ~~felony offense or for absconding from parole, up to a maximum of~~
6 ~~four days per month of time served during the parole term~~
7 ~~following revocation; and~~

8 (4) ~~for a prisoner confined following~~
9 ~~revocation of parole for a reason other than the alleged~~
10 ~~commission of a new felony offense or absconding from parole;~~

11 (a) ~~up to a maximum of eight days per~~
12 ~~month of time served during the parole term following~~
13 ~~revocation, if the prisoner was convicted of a serious violent~~
14 ~~offense or failed to pass a drug test administered as a~~
15 ~~condition of parole; or~~

16 (b) ~~up to a maximum of thirty days per~~
17 ~~month of time served during the parole term following~~
18 ~~revocation, if the prisoner was convicted of a nonviolent~~
19 ~~offense] meritorious deductions will not be awarded.~~

20 [B.] D. A prisoner may [~~earn~~] lose meritorious
21 deductions upon recommendation by the classification supervisor,
22 based upon the prisoner's [~~active participation~~] failure to
23 actively participate in approved programs and the quality of the
24 prisoner's participation in those approved programs. A prisoner
25 may not [~~earn~~] lose meritorious deductions unless the

underscoring material = new
[bracketed material] = delete

1 recommendation of the classification supervisor is approved by
2 the warden or the warden's designee.

3 ~~[G.]~~ E. If a prisoner's active participation in
4 approved programs is interrupted by a lockdown at a correctional
5 facility, the prisoner may ~~[continue to be awarded]~~ not lose
6 meritorious deductions, ~~[at the rate the prisoner was earning~~
7 ~~meritorious deductions prior to the lockdown]~~ unless the warden
8 or the warden's designee determines that the prisoner's conduct
9 contributed to the initiation or continuance of the lockdown.

10 ~~[D.]~~ F. A prisoner confined in a correctional
11 facility designated by the corrections department is eligible
12 for lump-sum meritorious deductions as follows:

13 (1) for successfully completing an approved
14 vocational, substance abuse or mental health program, ~~[one~~
15 ~~month]~~ thirty days; except when the prisoner has a demonstrable
16 physical, mental health or developmental disability that
17 prevents the prisoner from successfully earning a high school
18 equivalency credential, in which case, the prisoner shall be
19 awarded ~~[three months]~~ ninety days;

20 (2) for earning a high school equivalency
21 credential, ~~[three months]~~ ninety days;

22 (3) for earning an associate's degree, ~~[four~~
23 ~~months]~~ one hundred twenty days;

24 (4) for earning a bachelor's degree, ~~[five~~
25 ~~months]~~ one hundred fifty days;

underscored material = new
[bracketed material] = delete

1 (5) for earning a graduate qualification,
2 [~~five months~~] one hundred fifty days; and

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

15 [~~E.~~] G. Lump-sum meritorious deductions, provided in
16 Paragraphs (1) through (6) of Subsection [~~D~~] F of this section,
17 may be awarded in addition to the meritorious deductions
18 provided in [~~Subsections A and B~~] Subsection C of this section.
19 Lump-sum meritorious deductions shall not exceed one year per
20 award and shall not exceed a total of one year for all lump-sum
21 meritorious deductions awarded in any consecutive twelve-month
22 period.

23 [~~F.~~] H. A prisoner [~~is not eligible to earn~~] may
24 lose meritorious deductions if the prisoner:

25 (1) disobeys an order to perform labor,

underscored material = new
[bracketed material] = delete

1 pursuant to Section 33-8-4 NMSA 1978;

2 (2) is in disciplinary segregation;

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

6 (4) is not an active participant in programs
7 recommended and approved for the prisoner by the classification
8 supervisor.

9 ~~[G.]~~ I. The provisions of this section shall not be
10 interpreted as providing eligibility to earn meritorious
11 deductions from a sentence of life imprisonment or a sentence of
12 life imprisonment without possibility of release or parole.

13 ~~[H.]~~ J. The corrections department shall promulgate
14 rules to implement the provisions of this section, and the rules
15 shall be matters of public record. A concise summary of the
16 rules shall be provided to each prisoner, and each prisoner
17 shall receive a ~~[quarterly]~~ statement of the meritorious
18 deductions earned upon initial award, if additional awards are
19 given, if meritorious deductions are lost and upon request.

20 ~~[I.]~~ K. A New Mexico prisoner confined in a federal
21 or out-of-state correctional facility is eligible to earn
22 meritorious deductions for active participation in programs on
23 the basis of the prisoner's conduct and program reports
24 furnished by that facility to the corrections department. All
25 decisions regarding the award and forfeiture of meritorious

.230580.2SA

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

1 deductions at such facility are subject to final approval by the
2 director of the adult institutions division of the corrections
3 department or the director's designee.

4 ~~[J.]~~ L. In order to be eligible for meritorious
5 deductions, a prisoner confined in a federal or out-of-state
6 correctional facility designated by the corrections department
7 must actively participate in programs that are available. If a
8 federal or out-of-state correctional facility does not have
9 programs available for a prisoner, the prisoner may be awarded
10 meritorious deductions at the rate the prisoner could have
11 earned meritorious deductions if the prisoner had actively
12 participated in programs.

13 ~~[K.]~~ M. A prisoner confined in a correctional
14 facility in New Mexico that is operated by a private company,
15 pursuant to a contract with the corrections department, is
16 eligible to earn meritorious deductions in the same manner as a
17 prisoner confined in a state-run correctional facility. All
18 decisions regarding the award or forfeiture of meritorious
19 deductions at such facilities are subject to final approval by
20 the director of the adult institutions division of the
21 corrections department or the director's designee.

22 ~~[L.]~~ N. As used in this section:

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

25 (2) "program" means work, vocational,

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

1 educational, substance abuse and mental health programs,
2 approved by the classification supervisor, that contribute to a
3 prisoner's self-betterment through the development of personal
4 and occupational skills. "Program" does not include
5 recreational activities;

6 (3) "nonviolent offense" means any offense
7 other than a serious violent offense; and

8 (4) "serious violent offense" means:

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

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

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

15 (d) third degree aggravated battery
16 against a household member, as provided in Section 30-3-16 NMSA
17 1978;

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

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

22 (g) second and third degree criminal
23 sexual contact of a minor, as provided in Section 30-9-13 NMSA
24 1978;

25 (h) first and second degree robbery, as

.230580.2SA

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

1 provided in Section 30-16-2 NMSA 1978;

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

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

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

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

10 (m) assault with intent to commit a
11 violent felony upon a peace officer, as provided in Section
12 30-22-23 NMSA 1978;

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

15 (o) any of the following offenses, when
16 the nature of the offense and the resulting harm are such that
17 the court judges the crime to be a serious violent offense for
18 the purpose of this section: 1) involuntary manslaughter, as
19 provided in Section 30-2-3 NMSA 1978; 2) fourth degree
20 aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3)
21 third degree assault with intent to commit a violent felony, as
22 provided in Section 30-3-3 NMSA 1978; 4) fourth degree
23 aggravated assault against a household member, as provided in
24 Section 30-3-13 NMSA 1978; 5) third degree assault against a
25 household member with intent to commit a violent felony, as

.230580.2SA

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

1 provided in Section 30-3-14 NMSA 1978; 6) third and fourth
2 degree aggravated stalking, as provided in Section 30-3A-3.1
3 NMSA 1978; 7) second degree kidnapping, as provided in Section
4 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as
5 provided in Section 30-6-1 NMSA 1978; 9) first, second and third
6 degree abuse of a child, as provided in Section 30-6-1 NMSA
7 1978; 10) third degree dangerous use of explosives, as provided
8 in Section 30-7-5 NMSA 1978; 11) third and fourth degree
9 criminal sexual penetration, as provided in Section 30-9-11 NMSA
10 1978; 12) fourth degree criminal sexual contact of a minor, as
11 provided in Section 30-9-13 NMSA 1978; 13) third degree robbery,
12 as provided in Section 30-16-2 NMSA 1978; 14) third degree
13 homicide by vehicle or great bodily harm by vehicle, as provided
14 in Section 66-8-101 NMSA 1978; or 15) battery upon a peace
15 officer, as provided in Section 30-22-24 NMSA 1978.

16 ~~[M.]~~ O. Except for sex offenders, as provided in
17 Section 31-21-10.1 NMSA 1978, an offender sentenced to
18 confinement in a correctional facility designated by the
19 corrections department who has been released from confinement
20 and who is serving a parole term may be awarded earned
21 meritorious deductions of up to thirty days per month upon
22 recommendation of the parole officer supervising the offender,
23 with the final approval of the adult parole board. The offender
24 must be in compliance with all the conditions of the offender's
25 parole to be eligible for earned meritorious deductions. The

.230580.2SA

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

1 adult parole board may remove earned meritorious deductions
2 previously awarded if the offender later fails to comply with
3 the conditions of the offender's parole. The offender shall be
4 eligible to earn meritorious deductions while on parole in the
5 community commensurate with the classification of the offense.
6 The corrections department and the adult parole board shall
7 promulgate rules to implement the provisions of this subsection.
8 This subsection applies to offenders who are serving a parole
9 term on or after July 1, 2004."

10 - 22 -