

1 SENATE BILL
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**
3 INTRODUCED BY
4 Leo Jaramillo
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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; PROVIDING THAT APPOINTMENTS TO THE PAROLE
14 BOARD BY THE GOVERNOR DO NOT NEED THE CONSENT OF THE SENATE;
15 AMENDING THE PROCESS TO REMOVE A MEMBER OF THE PAROLE BOARD;
16 PROVIDING FOR THE CONSCIENTIOUS SCHEDULING OF HEARINGS.

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

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

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

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

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

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

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

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

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

21 [~~(b) mitigating and aggravating~~
22 ~~circumstances;~~

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

25 [~~(d) whether the inmate is a habitual~~

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1 offender]

2 (c) the inmate's relevant criminal
3 history;

4 ~~[(e)]~~ (d) the reports filed under
5 Section 31-21-9 NMSA 1978; and

6 ~~[(f)]~~ (e) the reports of such physical
7 and mental examinations as have been made while in an
8 institution;

9 ~~[(3)]~~ (4) make a finding that a parole is in
10 the best interest of society and the inmate; and

11 ~~[(4)]~~ (5) make a finding that the inmate is
12 able and willing to fulfill the obligations of a law-abiding
13 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

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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

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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

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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.

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1 H. The provisions of this section shall apply to
2 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 2. Section 31-21-22 NMSA 1978 (being Laws 1975,
6 Chapter 194, Section 1) is amended to read:

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

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

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

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

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

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

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

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

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

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

25 G. A parole may be granted, denied or revoked by a

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1 quorum of two on a panel consisting of three parole board
2 members appointed on a rotating basis by the chair of the
3 board."

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

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