

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 223

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

DON KIDD

AN ACT

RELATING TO CRIMINAL SENTENCING; SPECIFYING CONDITIONS OF AN ORDER DEFERRING OR SUSPENDING A CRIMINAL SENTENCE; AUTHORIZING PAYMENTS BY DEFENDANTS TO LOCAL DRUG REHABILITATION CENTERS IN THE TERRITORIAL JURISDICTION OF THE SENTENCING COURT; AMENDING A SECTION OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 31-20-6 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-18, as amended) is amended to read:

"31-20-6. CONDITIONS OF ORDER DEFERRING OR SUSPENDING SENTENCE. --The magistrate, metropolitan or district court shall attach to its order deferring or suspending sentence such reasonable conditions as it may deem necessary to ensure that the defendant will observe the laws of the United States and the various states and the ordinances of any municipality. The

Underscored material = new  
[bracketed material] = delete

1 defendant upon conviction shall be required to reimburse a law  
2 enforcement agency or local crime stopper program for the amount  
3 of any reward paid by the agency or program for information  
4 leading to his arrest, prosecution or conviction, but in no  
5 event shall reimbursement to the crime stopper program preempt  
6 restitution to victims pursuant to the provisions of Section  
7 31-17-1 NMSA 1978. The defendant upon conviction shall be  
8 required to pay the actual costs of his supervised probation  
9 service to the ~~[field services]~~ adult probation and parole  
10 division of the corrections department or appropriate  
11 responsible agency for deposit to the corrections department  
12 intensive supervision fund not exceeding one thousand twenty  
13 dollars (\$1,020) annually to be paid in monthly installments of  
14 not less than fifteen dollars (\$15.00) and not more than eighty-  
15 five dollars (\$85.00), subject to modification, upon court  
16 approval, by the appropriate district supervisor of the ~~[field~~  
17 ~~services]~~ adult probation and parole division or the local  
18 supervisor of the responsible agency on the basis of changed  
19 financial circumstances, and may be required:

20 A. to provide for the support of any persons for  
21 whose support he is legally responsible;

22 B. to undergo available medical or psychiatric  
23 treatment and to enter and remain in a specified institution,  
24 when required for that purpose;

25 C. to be placed on probation under the supervision,

Underscored material = new  
[bracketed material] = delete

1 guidance or direction of the [~~field services~~] adult probation  
2 and parole division of the corrections department for a term not  
3 to exceed five years;

4 D. to serve a period of time in volunteer labor to  
5 be known as "community service". The type of labor and period  
6 of service shall be at the sole discretion of the court;  
7 provided that any person receiving community service shall be  
8 immune from any civil liability other than gross negligence  
9 arising out of the community service, and any person who  
10 performs community service pursuant to court order or any  
11 criminal diversion program shall not be entitled to any wages,  
12 shall not be considered an employee for any purpose and shall  
13 not be entitled to workers' compensation, unemployment benefits  
14 or any other benefits otherwise provided by law. As used in  
15 this subsection, "community service" means any labor that  
16 benefits the public at large or any public, charitable or  
17 educational entity or institution;

18 E. to make a contribution of not less than ten  
19 dollars (\$10.00) and not more than one hundred dollars (\$100),  
20 to be paid in monthly installments of not less than five dollars  
21 (\$5.00), to a local crime stopper program that operates in the  
22 territorial jurisdiction of the court and is approved by the  
23 crime stoppers commission or to a local drug rehabilitation  
24 center that operates in the territorial jurisdiction of the  
25 court. If there is no local crime stopper program in that area,

Underscored material = new  
[bracketed material] = delete

1 the contribution shall be made to the crime stoppers commission  
2 or local drug rehabilitation center; and

3 F. to satisfy any other conditions reasonably  
4 related to his rehabilitation. "

5 Section 2. EFFECTIVE DATE. --The effective date of the  
6 provision of this act is July 1, 1996.

7 - 4 -

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996  
3  
4

5 FEBRUARY 9, 1996  
6

7 Mr. Presi dent:  
8

9 Your COMMI TTEES' COMMI TTEE, to whom has been referred  
10

11 SENATE BILL 223  
12

13 has had it under consideration and finds same to be GERMANE, PURSUANT  
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the JUDI CIARY  
15 COMMI TTEE.  
16

17 Respectfully submi tted,  
18  
19

20  
21  
22 \_\_\_\_\_  
23 SENATOR MANNY M. ARAGON, Chai rman  
24  
25

Underscored material = new  
[bracketed material] = delete

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Date \_\_\_\_\_

S0223CC1

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

1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
3  
4

5 February 11, 1996  
6

7 Mr. President:  
8

9 Your JUDICIARY COMMITTEE, to whom has been referred  
10

11 SENATE BILL 223  
12

13 has had it under consideration and reports same with recommendation that  
14 it DO PASS, and thence referred to the FINANCE COMMITTEE.  
15

16 Respectfully submitted,  
17

18 \_\_\_\_\_  
19  
20  
21 Janice D. Paster, Chairman  
22  
23  
24

25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Cisneros, Sanchez, Scott, Vernon

Absent: None

S0223JU1

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



1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996  
3  
4

5 February 13, 1996  
6

7 Mr. President:  
8

9 Your FINANCE COMMI TTEE, to whom has been referred  
10

11 SENATE BILL 223  
12

13 has had it under consideration and reports same with recommendation that  
14 it DO PASS.  
15

16 Respectfully submit ted,  
17

18 \_\_\_\_\_  
19  
20  
21 Ben D. Altami rano, Chair man  
22

23  
24  
25 Adopted \_\_\_\_\_

(Chi ef Clerk)

Not Adopted \_\_\_\_\_

(Chi ef Clerk)

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Aragon, Donisthorpe, Garcia, Ingle, Macias, Nava

Absent: None

S0223FC1