

HOUSE BILL 73

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

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## AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING THAT A COURT MAY DEFER OR SUSPEND NO MORE THAN TWO-THIRDS OF THE BASIC SENTENCE FOR A CONVICTION OF A SECOND OR THIRD DEGREE FELONY OFFENSE IF THE DEFENDANT WAS PREVIOUSLY CONVICTED OF ANY FELONY OFFENSE; MAKING CONFORMING AMENDMENTS.

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

**SECTION 1.** Section 31-20-3 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-15, as amended) is amended to read:

"31-20-3. ORDER DEFERRING OR SUSPENDING SENTENCE--  
DIAGNOSTIC COMMITMENT.--

A. Except as provided in Subsection B of this section, upon [entry of] entering a judgment of conviction of any crime not constituting a capital or first degree felony, [any] a court [having jurisdiction when it is] satisfied that

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1 the ends of justice and the best [interest] interests of the  
2 public [~~as well as~~] and the defendant will be served [~~thereby~~]  
3 may either:

4 [A.] (1) enter an order deferring the  
5 imposition of the basic sentence;

6 [B.] (2) sentence the defendant and enter an  
7 order suspending in whole or in part the execution of the basic  
8 sentence; or

9 [C.] (3) commit the convicted person, if  
10 convicted of a felony and not committed for diagnostic purposes  
11 within the twelve-month period immediately preceding that  
12 conviction, to the [~~department of~~] corrections department for  
13 an indeterminate period not to exceed sixty days for purposes  
14 of diagnosis, with direction that the court be given a report  
15 when the diagnosis is complete as to what disposition appears  
16 best when the [interest] interests of the public and the  
17 individual are evaluated.

18 B. Upon entering a judgment of conviction of a  
19 second or third degree felony offense for a defendant who was  
20 previously convicted of any felony offense, a court satisfied  
21 that the ends of justice and the best interests of the public  
22 and the defendant will be served may enter an order deferring  
23 the imposition or suspending the execution of no more than two-  
24 thirds of the basic sentence for that second or third degree  
25 felony offense; provided that the court may otherwise alter the

1       basic sentence based on mitigating or aggravating circumstances  
2       as provided by law."

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