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BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

DISCUSSION DRAFT

FOR THE CRIMINAL JUSTICE REFORM SUBCOMMITTEE

AN ACT

RELATING TO CORRECTIONS; REQUIRING THAT A PERSON ASSIGNED TO AN INTENSIVE SUPERVISION PROGRAM ALSO BE ENROLLED IN A BEHAVIORAL HEALTH PROGRAM.

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

SECTION 1. Section 31-21-13.1 NMSA 1978 (being Laws 1988, Chapter 62, Section 3, as amended) is amended to read:

"31-21-13.1. INTENSIVE SUPERVISION PROGRAMS.--

A. As used in this section:

(1) "intensive supervision programs" means programs that provide highly structured and intense supervision, with stringent reporting requirements, of certain individuals who represent an excessively high assessment of risk of violation of probation or parole, emphasize meaningful rehabilitative activities and reasonable alternatives without

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1 seriously increasing the risk of recidivist crime and
2 facilitate the payment of restitution by the offender to the
3 victim. "Intensive supervision programs" [~~include~~] includes
4 house arrest programs or electronic surveillance programs or
5 both; and

6 (2) "validated risk and needs assessment"
7 means an actuarial tool scientifically proven to determine a
8 person's risk to reoffend and criminal risk factors that, when
9 properly addressed, can reduce that person's likelihood of
10 committing future criminal behavior.

11 B. The corrections department shall implement and
12 operate intensive supervision programs in various local
13 communities. The programs shall provide services for
14 appropriate individuals by probation and parole officers of the
15 corrections department. The corrections department shall
16 promulgate rules and regulations to provide that the officers
17 providing these services have a maximum caseload of forty
18 offenders and to provide for offender selection and other
19 criteria. The corrections department may cooperate with all
20 recognized law enforcement authorities and share all necessary
21 and pertinent information, records or documents regarding
22 probationers or parolees in order to implement and operate
23 these intensive supervision programs.

24 C. For purposes of this section, a judge
25 contemplating imposition of an intensive supervision program

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1 for an individual shall consult with the adult probation and
2 parole division of the corrections department and consider the
3 recommendations before imposing such probation. The adult
4 probation and parole division of the corrections department
5 shall recommend only those individuals who would have otherwise
6 been recommended for incarceration for intensive supervision
7 programs. A judge has discretion to impose an intensive
8 supervision program for an individual, regardless of
9 recommendations made by the adult probation and parole
10 division. Inmates eligible for parole, or within twelve months
11 of eligibility for parole, or inmates who would otherwise
12 remain in a correctional institution for lack of a parole plan
13 or those parolees whose parole the board would otherwise revoke
14 are eligible for intensive supervision programs. The
15 provisions of this section do not limit or reduce the statutory
16 authority vested in probation and parole supervision as defined
17 by any other section of the Probation and Parole Act.

18 D. If an intensive supervision program is imposed
19 for an individual, that individual shall be enrolled in an
20 appropriate behavioral health program. The individual's needs
21 shall be assessed through the use of a validated risk and needs
22 assessment. The corrections department shall promulgate rules
23 and regulations for the administration of the validated risk
24 and needs assessment.

25 [~~D.~~] E. There is created in the state treasury the

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1 "corrections department intensive supervision fund" to be
2 administered by the corrections department upon vouchers signed
3 by the secretary of corrections. Balances in the corrections
4 department intensive supervision fund shall not revert to the
5 general fund. Beginning July 1, 1988, the intensive
6 supervision programs established pursuant to this section shall
7 be funded by those supervision costs collected pursuant to the
8 provisions of Sections 31-20-6 and 31-21-10 NMSA 1978. The
9 corrections department is specifically authorized to hire
10 additional permanent or term full-time-equivalent positions for
11 the purpose of implementing the provisions of this section."

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