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AN ACT
RELATING TO INCARCERATED WOMEN; PROVIDING FOR THE RELEASE OF
WOMEN WHO ARE EXPECTING A CHILD OR LACTATING.

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

SECTION 1. RELEASE OF INCARCERATED WOMEN WHO ARE
PREGNANT OR LACTATING.--

A. The court shall consider an incarcerated woman's pregnancy and lactation status when determining whether she is eligible for release or bond and in the computation of good time credit. At the court's discretion, an incarcerated woman who is due to give birth may be granted release from incarceration in a prison or jail prior to the presumptive birth date of her child and for up to eighteen months after the birth of her child, or for as long as medically indicated, unless the court finds that public safety would not be best served by the woman's release. A presumption shall be made in favor of release for a woman who is pregnant or lactating. For the duration of her release, a woman released pursuant to this section shall be placed on the least restrictive conditions of release necessary to ensure her return to custody. After the period of release, the woman shall serve any remaining portion of her sentence.

B. As used in this section, "release" means:

- (1) custodial release, which is release

1 under such court-imposed restrictions as to satisfy the court
2 that the woman remains in custody while released; and

3 (2) noncustodial release, which is release
4 under such conditions that are not considered custodial.

5 SECTION 2. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2017.

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