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SENATE BILL 163

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO CRIMINAL SENTENCING; EXPANDING THE TYPES OF
PROGRAMS ELIGIBLE FOR RECEIPT OF CERTAIN PAYMENTS MADE BY
PROBATIONERS; AMENDING A SECTION OF THE NMSA 1978.

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
defendant upon conviction shall be required to reimburse a law
enforcement agency or local crime stopper program for the

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

18 A. [~~to~~] provide for the support of [~~any~~] persons
19 for whose support he is legally responsible;

20 B. [~~to~~] undergo available medical or psychiatric
21 treatment and [~~to~~] enter and remain in a specified institution
22 when required for that purpose;

23 C. [~~to~~] be placed on probation under the
24 supervision, guidance or direction of the adult probation and
25 parole division of the corrections department for a term not to

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1 exceed five years;

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

16 E. ~~to~~ make a contribution of not less than ten
17 dollars (\$10.00) and not more than one hundred dollars (\$100),
18 to be paid in monthly installments of not less than five
19 dollars (\$5.00), to a local crime stopper program, a nonprofit
20 domestic violence shelter, an alcohol or substance abuse
21 treatment program, a sex offender treatment program or a local
22 drug abuse resistance education program that operates in the
23 territorial jurisdiction of the court; ~~[If there is no program~~
24 ~~in that area, the contribution shall be made to the crime~~
25 ~~stoppers commission]~~ and

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F. [tø] satisfy any other conditions reasonably related to his rehabilitation. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2003.

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