SENATE BILL 835

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

David Ulibarri

AN ACT

RELATING TO CRIMINAL SENTENCING; INCLUDING NONVIOLENT FELONY OFFENDERS IN THE COUNTY COMPLIANCE PROGRAMS THAT MONITOR DEFENDANTS' COMPLIANCE WITH CONDITIONS OF PROBATION IMPOSED BY A DISTRICT OR MAGISTRATE COURT.

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

Section 1. Section 31-20-5.1 NMSA 1978 (being Laws 2000, Chapter 49, Section 1) is amended to read:

"31-20-5.1. MISDEMEANOR AND NONVIOLENT FELONY COMPLIANCE PROGRAMS--COUNTIES MAY ESTABLISH--FEES.--

A. A county may create a "misdemeanor and nonviolent felony compliance program" to monitor defendants' compliance with the conditions of probation imposed by a district or magistrate court. The program shall be limited to participation by persons who have been convicted of a

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1    nonviolent felony offense or a misdemeanor criminal offense

2    specified in the Criminal Code, convicted of driving while

3    under the influence of intoxicating liquor or drugs or

4    convicted of driving while the person's driver's license is

5    suspended or revoked pursuant to the Motor Vehicle Code.   A

6    county's program shall comply with guidelines established by

7    the administrative office of the courts.

8             B.   As a condition of probation, the district or

9    magistrate court may require the defendant to pay a fee of not

10   less than fifteen dollars ($15.00) nor more than thirty

11   dollars ($30.00) per month to the county for the term of [his]

12   the defendant's probation.   Money collected by the county

13   pursuant to this subsection shall be used only to operate the

14   misdemeanor and nonviolent felony compliance program.

15            C.   As used in this section, "nonviolent felony

16   offense" means a felony offense in which the offender did not

17   apply force, threaten the use of force or use a deadly weapon

18   in the commission of the offense."

19       Section 2.   EFFECTIVE DATE.--The effective date of the

20   provisions of this act is July 1, 2007.

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