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SENATE BILL 251

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO COUNTY JAILS; PROVIDING FOR COMMUNITY CUSTODY  
RELEASE PROGRAMS; REQUIRING WRITTEN POLICIES AND APPROVAL BY  
THE BOARD OF COUNTY COMMISSIONERS; EXPANDING THE CRIME OF  
ESCAPE FROM A COMMUNITY CUSTODY RELEASE PROGRAM TO INCLUDE  
ESCAPE FROM PROGRAMS APPROVED BY A BOARD OF COUNTY  
COMMISSIONERS.

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

Section 1. A new section of Chapter 33, Article 3 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] COMMUNITY CUSTODY RELEASE PROGRAMS.--

A. A jail administrator may establish a community  
custody release program as an alternative to incarceration in  
the county jail.

B. A community custody release program may provide

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1 for substance abuse treatment and counseling, educational and  
2 life skills counseling and training, employment or school  
3 attendance as determined by the jail administrator. A  
4 community custody release program may include a day reporting  
5 program, an electronic monitoring program, a day detention  
6 program or a community tracking program.

7 C. Before a community custody release program is  
8 implemented, the jail administrator shall adopt written  
9 policies for the program and for the assignment of inmates to  
10 the program. The community custody release program and the  
11 written policies shall be approved by the board of county  
12 commissioners.

13 D. Only inmates charged with or convicted of a  
14 nonviolent offense as defined in Section 33-2-34 NMSA 1978 are  
15 eligible for placement in a community custody release program.

16 E. The board of county commissioners may require  
17 inmates placed in a community custody release program to pay  
18 some or all of the costs associated with their placement.

19 F. Time served in a community custody release  
20 program shall be credited to the inmate as if the time was  
21 served in the county jail.

22 G. As used in this section, "jail administrator"  
23 means the person hired by a county who supervises the entire  
24 operation of the jail and reports directly to the county  
25 manager or the board of county commissioners and may include

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1 the sheriff of the county."

2 Section 2. Section 30-22-8.1 NMSA 1978 (being Laws 1999,  
3 Chapter 118, Section 1) is amended to read:

4 "30-22-8.1. ESCAPE FROM A COMMUNITY CUSTODY RELEASE  
5 PROGRAM.--

6 A. Escape from a community custody release program  
7 consists of a person, excluding a person on probation or  
8 parole, who has been lawfully committed by a judge or a jail  
9 administrator to a [~~judicially approved~~] community custody  
10 release program, including a day reporting program, an  
11 electronic monitoring program, a day detention program or a  
12 community tracking program that is judicially approved or  
13 approved by the board of county commissioners, escaping or  
14 attempting to escape from the community custody release  
15 program.

16 B. Whoever commits escape from a community custody  
17 release program, when the person was committed to the program  
18 for a misdemeanor charge, is guilty of a misdemeanor.

19 C. Whoever commits escape from a community custody  
20 release program, when the person was committed to the program  
21 for a felony charge, is guilty of a felony.

22 D. As used in this section, "jail administrator"  
23 means the person hired by a county who supervises the entire  
24 operation of the jail and reports directly to the county  
25 manager or the board of county commissioners and may include

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the sheriff of the county."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009.