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SENATE BILL 162

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO CORRECTIONS; INCREASING THE MAXIMUM CASE LOAD OF A PROBATION AND PAROLE OFFICER WORKING IN INTENSIVE SUPERVISION PROGRAMS FROM TWENTY TO FORTY OFFENDERS.

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, "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 seriously increasing the risk of

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1 recidivist crime and facilitate the payment of restitution by  
2 the offender to the victim. "Intensive supervision programs"  
3 include house arrest programs or electronic surveillance  
4 programs or both.

5 B. The corrections department shall implement and  
6 operate intensive supervision programs in various local  
7 communities. The programs shall provide services for  
8 appropriate individuals by probation and parole officers of the  
9 corrections department. The corrections department shall  
10 promulgate rules and regulations to provide that the officers  
11 providing these services have a maximum case load of [~~twenty~~  
12 forty offenders and to provide for offender selection and other  
13 criteria. The corrections department may cooperate with all  
14 recognized law enforcement authorities and share all necessary  
15 and pertinent information, records or documents regarding  
16 probationers or parolees in order to implement and operate  
17 these intensive supervision programs.

18 C. For purposes of this section, a judge  
19 contemplating imposition of an intensive supervision program  
20 for an individual shall consult with the adult probation and  
21 parole division of the corrections department and consider the  
22 recommendations before imposing such probation. The adult  
23 probation and parole division of the corrections department  
24 shall recommend only those individuals who would have otherwise  
25 been recommended for incarceration for intensive supervision

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1 programs. A judge has discretion to impose an intensive  
2 supervision program for an individual, regardless of  
3 recommendations made by the adult probation and parole  
4 division. Inmates eligible for parole, or within twelve months  
5 of eligibility for parole, or inmates who would otherwise  
6 remain in a correctional institution for lack of a parole plan  
7 or those parolees whose parole the board would otherwise revoke  
8 are eligible for intensive supervision programs. The  
9 provisions of this section do not limit or reduce the statutory  
10 authority vested in probation and parole supervision as defined  
11 by any other section of the Probation and Parole Act.

12 D. There is created in the state treasury the  
13 "corrections department intensive supervision fund" to be  
14 administered by the corrections department upon vouchers signed  
15 by the secretary of corrections. Balances in the corrections  
16 department intensive supervision fund shall not revert to the  
17 general fund. Beginning July 1, 1988, the intensive  
18 supervision programs established pursuant to this section shall  
19 be funded by those supervision costs collected pursuant to the  
20 provisions of Sections 31-20-6 and 31-21-10 NMSA 1978. The  
21 corrections department is specifically authorized to hire  
22 additional permanent or term full-time equivalent positions for  
23 the purpose of implementing the provisions of this section."