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AN ACT

RELATING TO COMMUNITY CORRECTIONS; ELIMINATING THE STATE SELECTION PANEL AND THE LOCAL SELECTION PANEL; MODIFYING THE APPLICATION REVIEW PANEL; CLARIFYING PROVISIONS IN THE ADULT COMMUNITY CORRECTIONS ACT.

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

SECTION 1. Section 33-9-5 NMSA 1978 (being Laws 1983, Chapter 202, Section 5, as amended) is amended to read:

"33-9-5. CRITERIA FOR APPLICATIONS.--

A. Counties, municipalities or private organizations, individually or jointly, may apply for grants from the fund, including grants for counties or municipalities to purchase contractual services from private organizations, provided that:

(1) the application is for funding a program with priority use being for criminal offenders;

(2) the applicant certifies that it is willing and able to operate the program according to standards provided by the department;

(3) the applicant demonstrates the support of key components of the criminal justice system;

(4) the applicant, if a private organization, demonstrates the support of the county and municipality where the program will provide services;

1 (5) the applicant certifies that it will
2 utilize volunteer services as an integral portion of the
3 program to the maximum extent feasible; and

4 (6) no class A county as defined in Section
5 4-44-1 NMSA 1978, alone or in conjunction with any
6 municipality within a class A county, shall receive more than
7 forty-nine percent of any money appropriated to the fund.

8 B. The department may use the fund to place
9 individuals eligible for probation or parole in
10 community-based settings. The department may also use the
11 fund to place criminal offenders within twelve months of
12 eligibility for parole in community-based settings; provided
13 that the criminal offender has never been convicted of a
14 felony offense involving the use of a firearm. The adult
15 parole board may, in its discretion, require participation by
16 a criminal offender in a program as a condition of parole
17 pursuant to the provisions of Section 31-21-10 NMSA 1978.

18 C. The department may authorize use of the fund
19 for adults who are not criminal offenders with prior
20 department approval, if the priority use does not result in
21 full use of the fund or the capacity of a program, or the
22 department may authorize additional programs or additional
23 funding for existing programs.

24 D. The department may contract directly for
25 programs, including programs for New Mexico Indian tribes and

1 pueblos for diversion of state law offenders, and may
2 establish and operate adult community corrections programs.

3 E. The department shall establish additional
4 guidelines for allocation of funds under the Adult Community
5 Corrections Act."

6 SECTION 2. Section 33-9-6 NMSA 1978 (being Laws 1983,
7 Chapter 202, Section 6, as amended) is amended to read:

8 "33-9-6. APPLICATION REVIEW PANEL.--The department
9 shall establish a panel to review all applications for grants
10 under the Adult Community Corrections Act. The panel shall
11 make recommendations to the secretary of corrections
12 regarding each application."

13 SECTION 3. Section 33-9-9 NMSA 1978 (being Laws 1983,
14 Chapter 202, Section 9, as amended) is amended to read:

15 "33-9-9. SENTENCING--PLACEMENT OF OFFENDER.--

16 A. In every case where the commitment of a person
17 to the department is contemplated by a sentencing judge and
18 the offender meets criteria for placement in community
19 corrections, the adult probation and parole division of the
20 department shall, at the request of the judge, prepare a
21 report containing a recommendation regarding a community
22 corrections placement or complete a diagnostic evaluation
23 containing the recommendation of the department regarding
24 that placement, including a statement that the criminal
25 offender has been approved for a program. The sentencing

1 judge shall consider the report or evaluation prior to making
2 the commitment.

3 B. At a sentencing hearing, if a judge of a court
4 of competent jurisdiction determines that placement in
5 community corrections is appropriate, the judge shall defer
6 or suspend the sentence and, as a condition of probation,
7 require an individual to serve a period of time in a
8 community corrections program."

9 SECTION 4. REPEAL.--Sections 33-9-7 and 33-9-8 NMSA
10 1978 (being Laws 1983, Chapter 202, Sections 7 and 8, as
11 amended) are repealed.

12 SECTION 5. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2013. _____

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