

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 277

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

AN ACT

RELATING TO INCARCERATED WOMEN; PROVIDING FOR THE RELEASE OF  
WOMEN WHO ARE EXPECTING A CHILD OR LACTATING.

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

SECTION 1. [NEW MATERIAL] RELEASE OF INCARCERATED WOMEN  
WHO ARE PREGNANT OR LACTATING.--

A. The court shall consider an incarcerated woman's  
pregnancy and lactation status when determining whether she is  
eligible for release or bond and in the computation of good  
time credit. At the court's discretion, an incarcerated woman  
who is due to give birth may be granted release from  
incarceration in a prison or jail prior to the presumptive  
birth date of her child and for up to eighteen months after the  
birth of her child, or for as long as medically indicated,  
unless the court finds that public safety would not be best

.207629.2

underscored material = new  
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1 served by the woman's release. A presumption shall be made in  
2 favor of release for a woman who is pregnant or lactating. For  
3 the duration of her release, a woman released pursuant to this  
4 section shall be placed on the least restrictive conditions of  
5 release necessary to ensure her return to custody. After the  
6 period of release, the woman shall serve any remaining portion  
7 of her sentence.

8 B. As used in this section, "release" means:

9 (1) custodial release, which is release under  
10 such court-imposed restrictions as to satisfy the court that  
11 the woman remains in custody while released; and

12 (2) noncustodial release, which is release  
13 under such conditions that are not considered custodial.

14 SECTION 2. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2017.