

1 SENATE BILL 561

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

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10 AN ACT

11 RELATING TO PROBATION; ALLOWING PROBATION AND PAROLE OFFICERS
12 TO SUPERVISE CERTAIN PERSONS CONVICTED IN MAGISTRATE AND
13 METROPOLITAN COURTS.

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

16 SECTION 1. Section 31-20-5 NMSA 1978 (being Laws 1963,
17 Chapter 303, Section 29-17, as amended) is amended to read:

18 "31-20-5. PLACING DEFENDANT ON PROBATION.--

19 A. When a person has been convicted of a crime for
20 which a sentence of imprisonment is authorized and when the
21 magistrate, metropolitan or district court has deferred or
22 suspended sentence, it shall order the defendant to be placed
23 on probation for all or some portion of the period of deferment
24 or suspension if the defendant is in need of supervision,
25 guidance or direction that is feasible for the corrections

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underscored material = new
[bracketed material] = delete

1 department to furnish. Except for sex offenders as provided in
2 Section 31-20-5.2 NMSA 1978, the total period of probation for
3 district court shall not exceed five years and the total period
4 of probation for the magistrate or metropolitan courts shall be
5 no longer than the maximum allowable incarceration time for the
6 offense or as otherwise provided by law.

7 B. Pursuant to Subsection A of this section,
8 persons convicted by plea in magistrate or metropolitan courts
9 at a preliminary hearing involving felony charges shall be
10 eligible for probation.

11 ~~[B-]~~ C. If a defendant is required to serve a
12 period of probation subsequent to a period of incarceration:

13 (1) the period of probation shall be served
14 subsequent to any required period of parole, with the time
15 served on parole credited as time served on the period of
16 probation and the conditions of probation imposed by the court
17 deemed as additional conditions of parole; and

18 (2) in the event that the defendant violates
19 any condition of that parole, the parole board shall cause
20 ~~[him]~~ the defendant to be brought before it pursuant to the
21 provisions of Section 31-21-14 NMSA 1978 and may make any
22 disposition authorized pursuant to that section and, if parole
23 is revoked, the period of parole served in the custody of a
24 correctional facility shall not be credited as time served on
25 probation."

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