

HOUSE BILL 128

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Stefani Lord and John Block

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING FOR CHEMICAL  
CASTRATION AS A CONDITION OF PAROLE FOR CERTAIN SEX OFFENDERS;  
PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] CHEMICAL CASTRATION AS A  
CONDITION OF PAROLE.--

A. Subject to Section 31-21-10 NMSA 1978, as a  
condition of parole, a court shall order a person convicted of  
a sex offense pursuant to Sections 30-9-11 through 30-9-13 NMSA  
1978 to undergo chemical castration treatment in addition to  
any other punishment prescribed for that offense or any other  
provision of law.

B. A person required to undergo chemical castration  
treatment shall begin the treatment not less than one month

.223989.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 prior to the person's release from custody of the corrections  
2 department and shall continue receiving treatment until the  
3 court determines the treatment is no longer necessary. The  
4 treatment shall be administered by the department of health.

5 C. The person shall pay for all of the costs  
6 associated with the chemical castration treatment. The cost of  
7 the treatment shall be in addition to any court costs;  
8 assessments for the crime victims reparation fund; drug,  
9 alcohol or anger management treatments required by law;  
10 restitution; or costs of supervision of the treatment. A  
11 person may not be denied parole based solely on the person's  
12 inability to pay for the costs associated with the treatment  
13 required under this section.

14 D. If a person required to receive chemical  
15 castration treatment under this section, upon application,  
16 claims indigency, the person shall be brought before a court of  
17 competent jurisdiction for a determination of indigency. In  
18 the event that a court determines the person to be indigent,  
19 any fees or costs shall not be waived or remitted unless the  
20 person proves to the reasonable satisfaction of the court that  
21 the person is not capable of paying the fees or costs within  
22 the reasonably foreseeable future. In the event the person is  
23 determined to be indigent, a periodic review of the person's  
24 indigent status may be conducted by the court upon motion of  
25 the district attorney to determine if the offender is no longer

.223989.1

underscoring material = new  
~~[bracketed material] = delete~~

1 indigent.

2 E. In addition to any condition of parole under  
3 Subsection A of this section, as a condition of parole, a  
4 person released on parole under this section shall authorize  
5 the department of health to share with the parole board all  
6 medical records relating to the person's chemical castration  
7 treatment. A person may elect to stop receiving the treatment  
8 at any time and may not be forced to receive the treatment;  
9 provided that the refusal shall constitute a violation of the  
10 person's parole and the person shall be immediately remanded to  
11 the custody of the corrections department for the remainder of  
12 the sentence from which the person was paroled.

13 F. Prior to the administration of any chemical  
14 castration treatment, the court shall inform the person about  
15 the effect of the treatment and any side effects that may  
16 result from it. The person shall sign a written acknowledgment  
17 of receipt of the information.

18 G. Only an employee of the department of health may  
19 administer the treatment.

20 H. A person who intentionally stops receiving the  
21 treatment required under this section is guilty of a fourth  
22 degree felony.