

SENATE BILL 17

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PAROLE; AMENDING FACTORS TO BE CONSIDERED BY THE PAROLE BOARD WHEN CONSIDERING PAROLE OF AN INMATE SENTENCED TO LIFE IMPRISONMENT; AMENDING THE PROCESS TO REMOVE A MEMBER OF THE PAROLE BOARD; PROVIDING FOR THE CONSCIENTIOUS SCHEDULING OF HEARINGS.

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

SECTION 1. Section 31-21-10 NMSA 1978 (being Laws 1980,

.229815.2AIC March 1, 2025 (7:16pm)

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Chapter 28, Section 1, as amended) is amended to read:

"31-21-10. PAROLE AUTHORITY AND PROCEDURE.--

A. Except as provided in Section 31-21-10.2 NMSA 1978, an inmate of an institution who was sentenced to life imprisonment becomes eligible for a parole hearing after the inmate has served thirty years of the sentence, which shall be construed as the retributive portion of the life sentence. Upon reaching eligibility, parole consideration for release shall focus on risk and readiness for release, as demonstrated by the inmate substantially complying with the rules of the institution to which the inmate has been confined, whether the inmate has participated in or completed an educational, a vocational or another program, where available, while confined and whether the inmate has demonstrated maturity, rehabilitation and a fitness to reenter society. Before ordering the parole of an inmate sentenced to life imprisonment, the board shall:

- (1) interview the inmate at the institution where the inmate is committed;
- (2) hear from the family or representative of the victim, if the family or representative chooses to participate;
- [+2] (3) consider all pertinent information concerning the inmate, including:
 - (a) the circumstances of the offense,

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including mitigating and aggravating circumstances;

~~[(b) mitigating and aggravating
circumstances;~~

~~(e)]~~ (b) whether a deadly weapon was
used in the commission of the offense;

~~[(d) whether the inmate is a habitual
offender]~~

(c) the inmate's relevant criminal
history;

~~(e)]~~ (d) the reports filed under
Section 31-21-9 NMSA 1978; and

~~(f)]~~ (e) the reports of such physical
and mental examinations as have been made while in an
institution;

~~(3)]~~ (4) make a finding that a parole is in
the best interest of society and the inmate; and

~~(4)]~~ (5) make a finding that the inmate is
able and willing to fulfill the obligations of a law-abiding
citizen.

If parole is denied, the inmate sentenced to life
imprisonment shall again become entitled to a parole hearing at
two-year intervals. The board may, on its own motion, reopen
any case in which a hearing has already been granted and parole
denied.

B. Unless the board finds that it is in the best

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interest of society and the parolee to reduce the period of parole, a person who was sentenced to life imprisonment shall be required to undergo a minimum period of parole of five years. During the period of parole, the person shall be under the guidance and supervision of the board.

C. An inmate of an institution who was sentenced to life imprisonment without possibility of release or parole is not eligible for parole and shall remain incarcerated for the entirety of the inmate's natural life.

D. Except for certain sex offenders as provided in Section 31-21-10.1 NMSA 1978, an inmate who was convicted of a first, second or third degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a two-year period of parole. An inmate who was convicted of a fourth degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a one-year period of parole. During the period of parole, the person shall be under the guidance and supervision of the board.

E. Every person while on parole shall remain in the legal custody of the institution from which the person was released, but shall be subject to the orders of the board. The board shall furnish to each inmate as a prerequisite to release

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under its supervision a written statement of the conditions of parole that shall be accepted and agreed to by the inmate as evidenced by the inmate's signature affixed to a duplicate copy to be retained in the files of the board. The board shall also require as a prerequisite to release the submission and approval of a parole plan. If an inmate refuses to affix the inmate's signature to the written statement of the conditions of parole or does not have an approved parole plan, the inmate shall not be released and shall remain in the custody of the institution in which the inmate has served the inmate's sentence, excepting parole, until such time as the period of parole the inmate was required to serve, less meritorious deductions, if any, expires, at which time the inmate shall be released from that institution without parole, or until such time that the inmate evidences acceptance and agreement to the conditions of parole as required or receives approval for the inmate's parole plan or both. Time served from the date that an inmate refuses to accept and agree to the conditions of parole or fails to receive approval for the inmate's parole plan shall reduce the period, if any, to be served under parole at a later date. If the district court has ordered that the inmate make restitution to a victim as provided in Section 31-17-1 NMSA 1978, the board shall include restitution as a condition of parole. The board shall also personally apprise the inmate of the conditions of parole and the inmate's duties

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relating to those conditions of parole.

F. When a person on parole has performed the obligations of the person's release for the period of parole provided in this section, the board shall make a final order of discharge and issue the person a certificate of discharge.

G. Pursuant to the provisions of Section 31-18-15 NMSA 1978, the board shall require the inmate as a condition of parole:

(1) to pay the actual costs of parole services to the adult probation and parole division of the corrections department for deposit to the corrections department intensive supervision fund not exceeding one thousand eight hundred dollars (\$1,800) annually to be paid in monthly installments of not less than twenty-five dollars (\$25.00) and not more than one hundred fifty dollars (\$150), as set by the appropriate district supervisor of the adult probation and parole division, based upon the financial circumstances of the inmate. The inmate's payment of the supervised parole costs shall not be waived unless the board holds an evidentiary hearing and finds that the inmate is unable to pay the costs. If the board waives the inmate's payment of the supervised parole costs and the inmate's financial circumstances subsequently change so that the inmate is able to pay the costs, the appropriate district supervisor of the adult probation and parole division shall advise the board and the board shall hold an evidentiary

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hearing to determine whether the waiver should be rescinded;
and

(2) to reimburse a law enforcement agency or local crime stopper program for the amount of any reward paid by the agency or program for information leading to the inmate's arrest, prosecution or conviction.

H. The provisions of this section shall apply to all inmates except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act."

SECTION 2. Section 31-21-22 NMSA 1978 (being Laws 1975, Chapter 194, Section 1) is amended to read:

"31-21-22. SHORT TITLE.--Sections [~~1 through 5 of this act~~] 31-21-22 through 31-21-26 NMSA 1978 may be cited as the "Parole Board Act"."

SECTION 3. Section 31-21-24 NMSA 1978 (being Laws 1975, Chapter 194, Section 3, as amended) is amended to read:

"31-21-24. PAROLE BOARD--MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS--COMPENSATION--ORGANIZATION.--

A. The "parole board" is created, consisting of fifteen members appointed by the governor with the consent of the senate.

B. The terms of the members of the parole board shall be six years. To provide for staggered terms, five members shall be appointed every two years. Members serve

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until their successors have been appointed and qualified.

C. Members of the parole board may be removed
HCPAC→[by the governor←HCPAC HCPAC→by the governor←HCPAC
HCPAC→[←HCPAC as provided in Article 5, Section 5 of the
constitution of New Mexico] only for incompetence, neglect of
duty or malfeasance in office SJC→. A proceeding for the
removal of a member of the parole board may be commenced by the
board or by the governor. A member of the parole board shall
be given notice of hearing and an opportunity to be heard
before the member is removed. The supreme court has original
jurisdiction over proceedings to remove members of the parole
board, and the supreme court's decision shall be final. A
member of the parole board is also liable for impeachment
pursuant to Article 4, Section 36 of the constitution of New
Mexico←SJC SJC→after reasonable notice and a public hearing,
unless the notice and hearing are expressly waived in writing
by the member←SJC . Vacancies shall be filled by appointment by
the governor for the remainder of the unexpired term.

D. Members of the parole board shall be persons
qualified by such academic training or professional experience
as is deemed necessary to render them fit to serve as members
of the board. No member of the board shall be an official or
employee of any other federal, state or local government
entity.

E. Members of the parole board shall receive per
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diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act for a scheduled board meeting SHPAC→~~or~~←SHPAC SHPAC→,←SHPAC hearing SHPAC→or any other reimbursable activity under the act←SHPAC and shall receive no other compensation, perquisite or allowance.

F. The governor shall designate one member of the parole board to serve as chair, who in addition to other duties shall coordinate with the corrections department in the furnishing of services pursuant to Section 9-3-11 NMSA 1978.

G. A parole may be granted, denied or revoked by a quorum of two on a panel consisting of three parole board members appointed on a rotating basis by the chair of the board."

SECTION 4. A new Section 31-21-25.2 NMSA 1978 is enacted to read:

"31-21-25.2. [NEW MATERIAL] CONSCIENTIOUS SCHEDULING OF HEARINGS IN CASES OF HOMICIDE.--In cases of homicide, the parole board shall not schedule a hearing on the anniversary of the birth or death of the person or persons whose death is the basis for the homicide conviction, when practicable."