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HOUSE BILL 102

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

INTRODUCED BY

Andrea Reeb and Nicole Chavez and John Block

AN ACT

RELATING TO CORRECTIONS; CLASSIFYING HOMICIDE BY A VEHICLE OR GREAT BODILY HARM BY A VEHICLE AS A SERIOUS VIOLENT OFFENSE FOR EARNED MERITORIOUS DEDUCTIONS.

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

SECTION 1. Section 33-2-34 NMSA 1978 (being Laws 1999, Chapter 238, Section 1, as amended) is amended to read:

"33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS DEDUCTIONS.--

A. To earn meritorious deductions, a prisoner confined in a correctional facility designated by the corrections department must be an active participant in programs recommended for the prisoner by the classification supervisor and approved by the warden or the warden's designee. Meritorious deductions shall not exceed the following amounts:

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1 (1) for a prisoner confined for committing a  
2 serious violent offense, up to a maximum of four days per month  
3 of time served;

4 (2) for a prisoner confined for committing a  
5 nonviolent offense, up to a maximum of thirty days per month of  
6 time served;

7 (3) for a prisoner confined following  
8 revocation of parole for the alleged commission of a new felony  
9 offense or for absconding from parole, up to a maximum of four  
10 days per month of time served during the parole term following  
11 revocation; and

12 (4) for a prisoner confined following  
13 revocation of parole for a reason other than the alleged  
14 commission of a new felony offense or absconding from parole:

15 (a) up to a maximum of eight days per  
16 month of time served during the parole term following  
17 revocation, if the prisoner was convicted of a serious violent  
18 offense or failed to pass a drug test administered as a  
19 condition of parole; or

20 (b) up to a maximum of thirty days per  
21 month of time served during the parole term following  
22 revocation, if the prisoner was convicted of a nonviolent  
23 offense.

24 B. A prisoner may earn meritorious deductions upon  
25 recommendation by the classification supervisor, based upon the

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1 prisoner's active participation in approved programs and the  
2 quality of the prisoner's participation in those approved  
3 programs. A prisoner may not earn meritorious deductions  
4 unless the recommendation of the classification supervisor is  
5 approved by the warden or the warden's designee.

6 C. If a prisoner's active participation in approved  
7 programs is interrupted by a lockdown at a correctional  
8 facility, the prisoner may continue to be awarded meritorious  
9 deductions at the rate the prisoner was earning meritorious  
10 deductions prior to the lockdown, unless the warden or the  
11 warden's designee determines that the prisoner's conduct  
12 contributed to the initiation or continuance of the lockdown.

13 D. A prisoner confined in a correctional facility  
14 designated by the corrections department is eligible for lump-  
15 sum meritorious deductions as follows:

16 (1) for successfully completing an approved  
17 vocational, substance abuse or mental health program, one  
18 month; except when the prisoner has a demonstrable physical,  
19 mental health or developmental disability that prevents the  
20 prisoner from successfully earning a high school equivalency  
21 credential, in which case, the prisoner shall be awarded three  
22 months;

23 (2) for earning a high school equivalency  
24 credential, three months;

25 (3) for earning an associate's degree, four

1 months;

2 (4) for earning a bachelor's degree, five  
3 months;

4 (5) for earning a graduate qualification, five  
5 months; and

6 (6) for engaging in a heroic act of saving  
7 life or property, engaging in extraordinary conduct for the  
8 benefit of the state or the public that is at great expense or  
9 risk to or involves great effort on the part of the prisoner or  
10 engaging in extraordinary conduct far in excess of normal  
11 program assignments that demonstrates the prisoner's commitment  
12 to self-rehabilitation. The classification supervisor and the  
13 warden or the warden's designee may recommend the number of  
14 days to be awarded in each case based upon the particular  
15 merits, but any award shall be determined by the director of  
16 the adult institutions division of the corrections department  
17 or the director's designee.

18 E. Lump-sum meritorious deductions, provided in  
19 Paragraphs (1) through (6) of Subsection D of this section, may  
20 be awarded in addition to the meritorious deductions provided  
21 in Subsections A and B of this section. Lump-sum meritorious  
22 deductions shall not exceed one year per award and shall not  
23 exceed a total of one year for all lump-sum meritorious  
24 deductions awarded in any consecutive twelve-month period.

25 F. A prisoner is not eligible to earn meritorious

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1 deductions if the prisoner:

2 (1) disobeys an order to perform labor,  
3 pursuant to Section 33-8-4 NMSA 1978;

4 (2) is in disciplinary segregation;

5 (3) is confined for committing a serious  
6 violent offense and is within the first sixty days of receipt  
7 by the corrections department; or

8 (4) is not an active participant in programs  
9 recommended and approved for the prisoner by the classification  
10 supervisor.

11 G. The provisions of this section shall not be  
12 interpreted as providing eligibility to earn meritorious  
13 deductions from a sentence of life imprisonment or a sentence  
14 of life imprisonment without possibility of release or parole.

15 H. The corrections department shall promulgate  
16 rules to implement the provisions of this section, and the  
17 rules shall be matters of public record. A concise summary of  
18 the rules shall be provided to each prisoner, and each prisoner  
19 shall receive a quarterly statement of the meritorious  
20 deductions earned.

21 I. A New Mexico prisoner confined in a federal or  
22 out-of-state correctional facility is eligible to earn  
23 meritorious deductions for active participation in programs on  
24 the basis of the prisoner's conduct and program reports  
25 furnished by that facility to the corrections department. All

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1 decisions regarding the award and forfeiture of meritorious  
2 deductions at such facility are subject to final approval by  
3 the director of the adult institutions division of the  
4 corrections department or the director's designee.

5 J. In order to be eligible for meritorious  
6 deductions, a prisoner confined in a federal or out-of-state  
7 correctional facility designated by the corrections department  
8 must actively participate in programs that are available. If a  
9 federal or out-of-state correctional facility does not have  
10 programs available for a prisoner, the prisoner may be awarded  
11 meritorious deductions at the rate the prisoner could have  
12 earned meritorious deductions if the prisoner had actively  
13 participated in programs.

14 K. A prisoner confined in a correctional facility  
15 in New Mexico that is operated by a private company, pursuant  
16 to a contract with the corrections department, is eligible to  
17 earn meritorious deductions in the same manner as a prisoner  
18 confined in a state-run correctional facility. All decisions  
19 regarding the award or forfeiture of meritorious deductions at  
20 such facilities are subject to final approval by the director  
21 of the adult institutions division of the corrections  
22 department or the director's designee.

23 L. As used in this section:

24 (1) "active participant" means a prisoner who  
25 has begun, and is regularly engaged in, approved programs;

1 (2) "program" means work, vocational,  
2 educational, substance abuse and mental health programs,  
3 approved by the classification supervisor, that contribute to a  
4 prisoner's self-betterment through the development of personal  
5 and occupational skills. "Program" does not include  
6 recreational activities;

7 (3) "nonviolent offense" means any offense  
8 other than a serious violent offense; and

9 (4) "serious violent offense" means:

10 (a) second degree murder, as provided in  
11 Section 30-2-1 NMSA 1978;

12 (b) voluntary manslaughter, as provided  
13 in Section 30-2-3 NMSA 1978;

14 (c) third degree aggravated battery, as  
15 provided in Section 30-3-5 NMSA 1978;

16 (d) third degree aggravated battery  
17 against a household member, as provided in Section 30-3-16 NMSA  
18 1978;

19 (e) first degree kidnapping, as provided  
20 in Section 30-4-1 NMSA 1978;

21 (f) first and second degree criminal  
22 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

23 (g) second and third degree criminal  
24 sexual contact of a minor, as provided in Section 30-9-13 NMSA  
25 1978;

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1 (h) first and second degree robbery, as  
2 provided in Section 30-16-2 NMSA 1978;

3 (i) second degree aggravated arson, as  
4 provided in Section 30-17-6 NMSA 1978;

5 (j) shooting at a dwelling or occupied  
6 building, as provided in Section 30-3-8 NMSA 1978;

7 (k) shooting at or from a motor vehicle,  
8 as provided in Section 30-3-8 NMSA 1978;

9 (l) aggravated battery upon a peace  
10 officer, as provided in Section 30-22-25 NMSA 1978;

11 (m) assault with intent to commit a  
12 violent felony upon a peace officer, as provided in Section  
13 30-22-23 NMSA 1978;

14 (n) aggravated assault upon a peace  
15 officer, as provided in Section 30-22-22 NMSA 1978; or

16 (o) any of the following offenses, when  
17 the nature of the offense and the resulting harm are such that  
18 the court judges the crime to be a serious violent offense for  
19 the purpose of this section: 1) involuntary manslaughter, as  
20 provided in Section 30-2-3 NMSA 1978; 2) fourth degree  
21 aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3)  
22 third degree assault with intent to commit a violent felony, as  
23 provided in Section 30-3-3 NMSA 1978; 4) fourth degree  
24 aggravated assault against a household member, as provided in  
25 Section 30-3-13 NMSA 1978; 5) third degree assault against a

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1 household member with intent to commit a violent felony, as  
2 provided in Section 30-3-14 NMSA 1978; 6) third and fourth  
3 degree aggravated stalking, as provided in Section 30-3A-3.1  
4 NMSA 1978; 7) second degree kidnapping, as provided in Section  
5 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as  
6 provided in Section 30-6-1 NMSA 1978; 9) first, second and  
7 third degree abuse of a child, as provided in Section 30-6-1  
8 NMSA 1978; 10) third degree dangerous use of explosives, as  
9 provided in Section 30-7-5 NMSA 1978; 11) third and fourth  
10 degree criminal sexual penetration, as provided in Section  
11 30-9-11 NMSA 1978; 12) fourth degree criminal sexual contact of  
12 a minor, as provided in Section 30-9-13 NMSA 1978; 13) third  
13 degree robbery, as provided in Section 30-16-2 NMSA 1978; 14)  
14 [~~third degree~~] homicide by vehicle or great bodily harm by  
15 vehicle, as provided in Section 66-8-101 NMSA 1978; or 15)  
16 battery upon a peace officer, as provided in Section 30-22-24  
17 NMSA 1978.

18 M. Except for sex offenders, as provided in Section  
19 31-21-10.1 NMSA 1978, an offender sentenced to confinement in a  
20 correctional facility designated by the corrections department  
21 who has been released from confinement and who is serving a  
22 parole term may be awarded earned meritorious deductions of up  
23 to thirty days per month upon recommendation of the parole  
24 officer supervising the offender, with the final approval of  
25 the adult parole board. The offender must be in compliance

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1 with all the conditions of the offender's parole to be eligible  
2 for earned meritorious deductions. The adult parole board may  
3 remove earned meritorious deductions previously awarded if the  
4 offender later fails to comply with the conditions of the  
5 offender's parole. The corrections department and the adult  
6 parole board shall promulgate rules to implement the provisions  
7 of this subsection. This subsection applies to offenders who  
8 are serving a parole term on or after July 1, 2004."

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