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SENATE BILL 43

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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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 REQUIREMENTS FOR PER DIEM AND
MILEAGE FOR PAROLE BOARD MEMBERS; PROVIDING FOR THE 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,
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.

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1 Upon reaching eligibility, parole consideration for release
2 shall focus on:

3 (1) risk and readiness for release, as
4 demonstrated by the inmate substantially complying with the
5 rules of the institution to which the inmate has been confined;

6 (2) whether the inmate has participated in or
7 completed an educational, a vocational or another program,
8 where available, while confined; and

9 (3) whether the inmate has demonstrated
10 maturity, rehabilitation and a fitness to reenter society.

11 B. Before ordering the parole of an inmate
12 sentenced to life imprisonment, the board shall:

13 (1) interview the inmate at the institution
14 where the inmate is committed;

15 (2) hear from the family or representative of
16 the victim, if the family or representative chooses to
17 participate;

18 [~~(2)~~] (3) consider all pertinent information
19 concerning the inmate, including:

20 (a) the circumstances of the offense,
21 including mitigating and aggravating circumstances;

22 [~~(b)~~] ~~mitigating and aggravating~~
23 ~~circumstances;~~

24 ~~(c)~~ (b) whether a deadly weapon was
25 used in the commission of the offense;

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

3 (c) the inmate's relevant criminal
4 history;

5 ~~[(e)]~~ (d) the reports filed ~~[under]~~
6 pursuant to Section 31-21-9 NMSA 1978; and

7 ~~[(f)]~~ (e) the reports of such physical
8 and mental examinations as have been made while the inmate was
9 in an institution;

10 ~~[(3)]~~ (4) make a finding that a parole is in
11 the best interest of society and the inmate; and

12 ~~[(4)]~~ (5) make a finding that the inmate is
13 able and willing to fulfill the obligations of a law-abiding
14 citizen.

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

20 ~~[B.]~~ D. Unless the board finds that it is in the
21 best interest of society and the parolee to reduce the period
22 of parole, a person who was sentenced to life imprisonment
23 shall be required to undergo a minimum period of parole of five
24 years. During the period of parole, the person shall be under
25 the guidance and supervision of the board.

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1 [~~E~~] E. An inmate of an institution who was
2 sentenced to life imprisonment without possibility of release
3 or parole is not eligible for parole and shall remain
4 incarcerated for the entirety of the inmate's natural life.

5 [~~D~~] F. Except for certain sex offenders as
6 provided in Section 31-21-10.1 NMSA 1978, an inmate who was
7 convicted of a first, second or third degree felony and who has
8 served the sentence of imprisonment imposed by the court in an
9 institution designated by the corrections department shall be
10 required to undergo a two-year period of parole. An inmate who
11 was convicted of a fourth degree felony and who has served the
12 sentence of imprisonment imposed by the court in an institution
13 designated by the corrections department shall be required to
14 undergo a one-year period of parole. During the period of
15 parole, the person shall be under the guidance and supervision
16 of the board.

17 [~~E~~] G. Every person while on parole shall remain
18 in the legal custody of the institution from which the person
19 was released, but shall be subject to the orders of the board.
20 The board shall furnish to each inmate as a prerequisite to
21 release under its supervision a written statement of the
22 conditions of parole that shall be accepted and agreed to by
23 the inmate as evidenced by the inmate's signature affixed to a
24 duplicate copy to be retained in the files of the board. The
25 board shall also require as a prerequisite to release the

1 submission and approval of a parole plan. If an inmate refuses
2 to affix the inmate's signature to the written statement of the
3 conditions of parole or does not have an approved parole plan,
4 the inmate shall not be released and shall remain in the
5 custody of the institution in which the inmate has served the
6 inmate's sentence, excepting parole, until such time as the
7 period of parole the inmate was required to serve, less
8 meritorious deductions, if any, expires, at which time the
9 inmate shall be released from that institution without parole,
10 or until such time that the inmate evidences acceptance and
11 agreement to the conditions of parole as required or receives
12 approval for the inmate's parole plan or both. Time served
13 from the date that an inmate refuses to accept and agree to the
14 conditions of parole or fails to receive approval for the
15 inmate's parole plan shall reduce the period, if any, to be
16 served under parole at a later date. If the district court has
17 ordered that the inmate make restitution to a victim as
18 provided in Section 31-17-1 NMSA 1978, the board shall include
19 restitution as a condition of parole. The board shall also
20 personally apprise the inmate of the conditions of parole and
21 the inmate's duties relating to those conditions of parole.

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

1 ~~[6.]~~ I. The provisions of this section shall apply
2 to all inmates except geriatric, permanently incapacitated and
3 terminally ill inmates eligible for the medical and geriatric
4 parole program as provided by the Parole Board Act."

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

7 "31-21-22. SHORT TITLE.--Sections ~~[1 through 5 of this~~
8 ~~act]~~ 31-21-22 through 31-21-26 NMSA 1978 may be cited as the
9 "Parole Board Act".

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

12 "31-21-24. PAROLE BOARD--MEMBERS--APPOINTMENT--TERMS--
13 QUALIFICATIONS--COMPENSATION--ORGANIZATION.--

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

17 B. The terms of the members of the parole board
18 shall be six years. To provide for staggered terms, five
19 members shall be appointed every two years. Members serve
20 until their successors have been appointed and qualified.

21 C. Members of the parole board may be removed by
22 the governor as provided in Article 5, Section 5 of the
23 constitution of New Mexico. Vacancies shall be filled by
24 appointment by the governor for the remainder of the unexpired
25 term.

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

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

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

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

20 SECTION 4. A new section of the Parole Board Act, Section
21 31-21-25.2 NMSA 1978, is enacted to read:

22 "31-21-25.2. [NEW MATERIAL] SCHEDULING OF HEARINGS IN
23 CASES OF HOMICIDE.--In cases of homicide, the parole board
24 shall not schedule a hearing on the anniversary of the birth or
25 death of the person or persons whose death is the basis for the
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1 homicide conviction, when practicable."

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