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1	of a child	life imprisonment
2	first degree felony for	
3	aggravated criminal sexual	
4	penetration	life imprisonment
5	first degree felony	eighteen years imprisonment
6	second degree felony	
7	resulting in the death of	
8	a human being	[eighteen] <u>twenty-five</u> years
9		imprisonment
10	second degree felony for a	
11	sexual offense against a	
12	child	fifteen years imprisonment
13	second degree felony for	
14	sexual exploitation of	
15	children	twelve years imprisonment
16	second degree felony	nine years imprisonment
17	third degree felony resulting	
18	in the death of a human being	six years imprisonment
19	third degree felony for a	
20	sexual offense against a	
21	child	six years imprisonment
22	third degree felony for sexual	
23	exploitation of children	eleven years imprisonment
24	third degree felony	three years imprisonment
25	fourth degree felony for	

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B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted and sentenced pursuant to Subsection A of this section, unless the court alters the sentence pursuant to the provisions of the Criminal Sentencing Act.

C. A period of parole shall be imposed only for felony convictions wherein a person is sentenced to imprisonment of more than one year, unless the parties to a proceeding agree that a period of parole should be imposed. If a period of parole is imposed, the court shall include in the judgment and sentence of each person convicted and sentenced to imprisonment in a corrections facility designated by the corrections department authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978. If imposed, the period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant to Subsection A of this section together with alterations, if any, pursuant to the provisions of the Criminal Sentencing Act.

D. When a court imposes a sentence of imprisonment pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978 and suspends or defers the basic sentence of .232225.1

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1 imprisonment provided pursuant to the provisions of Subsection
2 A of this section, the period of parole shall be served in
3 accordance with the provisions of Section 31-21-10 NMSA 1978
4 for the degree of felony for the basic sentence for which the
5 inmate was convicted. For the purpose of designating a period
6 of parole, a court shall not consider that the basic sentence
7 of imprisonment was suspended or deferred and that the inmate
8 served a period of imprisonment pursuant to the provisions of
9 the Criminal Sentencing Act.

10 E. The court may, in addition to the imposition of
11 a basic sentence of imprisonment, impose a fine not to exceed:

12 (1) for a first degree felony resulting in the
13 death of a child, seventeen thousand five hundred dollars
14 (\$17,500);

15 (2) for a first degree felony for aggravated
16 criminal sexual penetration, seventeen thousand five hundred
17 dollars (\$17,500);

18 (3) for a first degree felony, fifteen
19 thousand dollars (\$15,000);

20 (4) for a second degree felony resulting in
21 the death of a human being, twelve thousand five hundred
22 dollars (\$12,500);

23 (5) for a second degree felony for a sexual
24 offense against a child, twelve thousand five hundred dollars
25 (\$12,500);

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- (6) for a second degree felony for sexual exploitation of children, five thousand dollars (\$5,000);
- (7) for a second degree felony, ten thousand dollars (\$10,000);
- (8) for a third degree felony resulting in the death of a human being, five thousand dollars (\$5,000);
- (9) for a third degree felony for a sexual offense against a child, five thousand dollars (\$5,000);
- (10) for a third degree felony for sexual exploitation of children, five thousand dollars (\$5,000);
- (11) for a third or fourth degree felony, five thousand dollars (\$5,000); or
- (12) for a fourth degree felony for sexual exploitation of children, five thousand dollars (\$5,000).

F. When the court imposes a sentence of imprisonment for a felony offense, the court shall indicate whether or not the offense is a serious violent offense as defined in Section 33-2-34 NMSA 1978. The court shall inform an offender that the offender's sentence of imprisonment is subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. If the court fails to inform an offender that the offender's sentence is subject to those provisions or if the court provides the offender with erroneous information regarding those provisions, the failure to inform or the error shall not provide a basis for a writ of habeas

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1 corpus.

2 G. No later than October 31 of each year, the New
3 Mexico sentencing commission shall provide a written report to
4 the secretary of corrections, all New Mexico criminal court
5 judges, the administrative office of the district attorneys and
6 the chief public defender. The report shall specify the
7 average reduction in the sentence of imprisonment for serious
8 violent offenses and nonviolent offenses, as defined in Section
9 33-2-34 NMSA 1978, due to meritorious deductions earned by
10 prisoners during the previous fiscal year pursuant to the
11 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38
12 NMSA 1978. The corrections department shall allow the
13 commission access to documents used by the department to
14 determine earned meritorious deductions for prisoners."

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