



# Probation and Parole

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# NMCD Fees Collected – NMCD 053100

- **Parole Fees** - \$35 assessed monthly paid to NMCD (NMSA 31-21-10)
- **Probation Fees** - \$35 assessed monthly paid to NMCD (NMSA 31-20-6)
- *Probation/Parole Costs: Costs assessed against an offender by the court at the time of sentencing by the Adult Parole Board or through an Interstate Compact Supervision transfer are not to be less than \$35.00 per month or more than \$150.00 per month*
- **Community Corrections Fees** – \$35 assessed monthly paid to NMCD
- Monetary costs assessed against offenders as part of participation in specialized programs.
- **GPS/Alcohol Monitoring Fees** – Collected for lost/damaged equipment – paid to NMCD
- Monetary costs assessed against offenders as part of being placed on GPS. This may also include reimbursement for lost or damaged GPS equipment



# NMCD FY 18 Collections Paid To NMCD

- Probation Costs \$1,768,490.54
- Parole Costs \$377,258.48
- GPS/Alcohol Monitoring \$35,371

**Total \$2,181,119.9**

\$2.5 M part of our operating budget

Community Corrections

**Total \$44,158.05**

\$40 K part of our operating budget



# Fees Collected Paid Outside NMCD

- **Restitution** – According to Restitution Agreement (case by case basis) paid to victim(s) (NMSA 31-21-10/31-20-6)

Full or partial payment of actual damages to victim with actual damages being what a victim could recover against the defendant in a civil action arising out of the same facts and circumstances, except punitive damages and damages for pain and suffering, mental anguish and loss of consortium. Without limitation, actual damages may also include damages for wrongful death.

- **DNA Fees** - \$100 per statute – (NMSA 29-3-10) including out of state offenders must pay \$100 DNA fee

Collected by NMCD; processed and forwarded to DPS

- **Court Fines and Fees Misc** – Collected by PPD and distributed accordingly (NMSA 31-20-6)

Fines: Monetary penalties assessed by the sentencing Court per the applicable statutory penalty for that offense.

*Fees: Monetary costs assessed by the sentencing court per statutory authority and payable to the court, or other designated public agency (i.e., DNA fees, lab fees, etc).*



# Fees Collected Paid Outside NMCD

- Restitution \$726,762.36
- DNA Fees \$204,538.86
- Court Fees \$367,096.57
- **Total \$1,306,584.90**



# Annual Total Collected by NMCD

**Total Collected by NMCD annually including  
fees not paid to NMCD**

**\$3,487,704.86**



# Additional Information

- *Centralized Offender Payment System (COPS): An automated system located in F-track which tracks and monitors offender payment for PPD*
- The agency places priority on services and opportunities that encourage offenders to make restitution to the victim(s) of the crime(s) and/or to the community
- When funds are collected from offenders, the agency administrator ensures the appropriate collection, safeguarding and disbursement of all monies consistent with law, policies, and directives. Staff is trained in these processes and they are reviewed annually. (NMCD -053100)
- Probation/Parole costs for services provided will be collected on a monthly basis as required by New Mexico statutes



# Additional Information

- Designated Division personnel are responsible for the collection and daily disbursement of all probation costs, restitution, fines and other fees and costs assessed against a probationer ordered by a court of legal jurisdiction and such other costs the court orders Division personnel to collect. Designated Division personnel are also responsible for collection of any parole costs assessed against parolee by the New Mexico Adult Parole Board. **2 full-time FTE**
- Probation and Parole Officers are responsible for assessing changes in each offender's financial status, which would affect the offender's ability to pay.
- Officers have the ability to request a waiver/modification to probation/parole costs or Restitution Agreement based on offenders circumstance. **Must be approved by sentencing authority.**





# Additional Information

- NON-PAYMENT of the required costs is a violation of probation or parole, but offenders shall not be confronted with possible probation/parole violations for failure to meet financial obligations other than those that are specific conditions of probation/parole. However, offenders should be encouraged to pay their financial obligations.
- All payments will be made in the form of money orders or cashier's checks.
- Payments for probation/parole costs, Community Corrections costs, and GPS costs will be made payable to the New Mexico Corrections Department (NMCD).
- Payments for restitution will be made payable to the victim, unless otherwise directed by the Court.



# Additional Information

- In cases where an offender is due to be discharged from supervision and has not fully paid their assessed restitution amount, no less than 90 days from the date of discharge, the PPO will complete a **Promissory Note form (CD-053101.3)** *with details of the offender's continued payments to the victim after their discharge date and instructions on how to submit those payments. A copy of the Promissory Note will be placed in the offender's file and sent to the victim so that both parties are aware of the terms of the note. If the offender refuses to sign the promissory note no less than 90 days prior to discharge, the PPO shall request a status hearing with the Court with a recommendation for unsatisfactory discharge.*

