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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CORRECTIONS; EXPANDING THE PURPOSE OF THE
CORRECTIONS DEPARTMENT INTENSIVE SUPERVISION FUND.

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

SECTION 1. Section 31-21-13.1 NMSA 1978 (being Laws 1988,
Chapter 62, Section 3, as amended) is amended to read:

"31-21-13.1. INTENSIVE SUPERVISION PROGRAMS.--

A. As used in this section, "intensive supervision
programs" means programs that provide highly structured and
intense supervision, with stringent reporting requirements, of
certain individuals who represent an excessively high
assessment of risk of violation of probation or parole,
emphasize meaningful rehabilitative activities and reasonable
alternatives without seriously increasing the risk of
recidivist crime and facilitate the payment of restitution by

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1 the offender to the victim. "Intensive supervision programs"
2 include house arrest programs or electronic surveillance
3 programs or both.

4 B. The corrections department shall implement and
5 operate intensive supervision programs in various local
6 communities. The programs shall provide services for
7 appropriate individuals by probation and parole officers of the
8 corrections department. The corrections department shall
9 promulgate rules and regulations to provide that the officers
10 providing these services have a maximum case load of twenty
11 offenders and to provide for offender selection and other
12 criteria. The corrections department may cooperate with all
13 recognized law enforcement authorities and share all necessary
14 and pertinent information, records or documents regarding
15 probationers or parolees in order to implement and operate
16 these intensive supervision programs.

17 C. For purposes of this section, a judge
18 contemplating imposition of an intensive supervision program
19 for an individual shall consult with the adult probation and
20 parole division of the corrections department and consider the
21 recommendations before imposing such probation. The adult
22 probation and parole division of the corrections department
23 shall recommend only those individuals who would have otherwise
24 been recommended for incarceration for intensive supervision
25 programs. A judge has discretion to impose an intensive

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1 supervision program for an individual, regardless of
2 recommendations made by the adult probation and parole
3 division. Inmates eligible for parole, or within twelve months
4 of eligibility for parole, or inmates who would otherwise
5 remain in a correctional institution for lack of a parole plan
6 or those parolees whose parole the board would otherwise revoke
7 are eligible for intensive supervision programs. The
8 provisions of this section do not limit or reduce the statutory
9 authority vested in probation and parole supervision as defined
10 by any other section of the Probation and Parole Act.

11 D. There is created in the state treasury the
12 "corrections department intensive supervision fund" to be
13 administered by the corrections department upon vouchers signed
14 by the secretary of corrections. Balances in the corrections
15 department intensive supervision fund shall not revert to the
16 general fund. [~~Beginning July 1, 1988, the intensive~~
17 ~~supervision programs established pursuant to this section shall~~
18 ~~be funded by those supervision costs]~~ Supervision fees
19 collected pursuant to the provisions of Sections 31-20-6 and
20 31-21-10 NMSA 1978 shall be deposited in the fund and used for
21 the general supervision of probationers and parolees, for costs
22 incidental to the confinement of inmates and to carry out the
23 corrections department's notification duties pursuant to the
24 Victims of Crime Act. The corrections department is
25 specifically authorized to hire additional permanent or term

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1 full-time equivalent positions for the purpose of implementing
2 the provisions of this section."

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