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SENATE BILL 404

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

Rod Adair

AN ACT

**RELATING TO CRIMINAL LAW; REQUIRING AN OFFENDER CONVICTED OF
CRIMINAL SEXUAL PENETRATION IN THE FIRST DEGREE TO BE TREATED
WITH MEDROXYPROGESTERONE ACETATE; PROVIDING FOR THE
OFFENDER'S ELECTION OF PHYSICAL CASTRATION AS AN ALTERNATIVE
PUNISHMENT; ENACTING A NEW SECTION OF THE NMSA 1978.**

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

**Section 1. A new section of the Criminal Sentencing Act
is enacted to read:**

**"[NEW MATERIAL] OFFENDERS CONVICTED OF CRIMINAL SEXUAL
PENETRATION IN THE FIRST DEGREE-- MANDATORY TREATMENT WITH
MEDROXYPROGESTERONE ACETATE-- OFFENDER MAY ELECT PHYSICAL
CASTRATION AS AN ALTERNATIVE PENALTY-- PENALTY FOR
NONCOMPLIANCE WITH TREATMENT ORDER. --**

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1 A. In addition to all other penalties, a person
2 convicted of criminal sexual penetration in the first degree,
3 as provided in Section 30-9-11 NMSA 1978, shall be treated
4 with medroxyprogesterone acetate pursuant to a schedule of
5 administration monitored by the corrections department.

6 B. A court order that requires an offender to
7 undergo treatment with medroxyprogesterone acetate shall be
8 contingent upon a determination by a court-appointed medical
9 expert that the offender is an appropriate candidate for the
10 treatment. The medical expert's determination shall be made
11 no later than sixty days following the offender's conviction.
12 A court order that requires an offender to undergo treatment
13 with medroxyprogesterone acetate shall specify the duration
14 of the treatment.

15 C. Notwithstanding the provisions of Subsection A
16 of this section, the court may order the offender to undergo
17 physical castration if the offender presents the court with a
18 written motion that sets forth the offender's intelligent,
19 knowing and voluntary consent to physical castration as an
20 alternative to treatment with medroxyprogesterone acetate.

21 D. The corrections department shall provide the
22 services necessary to administer medroxyprogesterone acetate
23 treatment to an offender. The provisions of this section
24 shall not be interpreted to require the continued
25

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1 administration of medroxyprogesterone acetate treatment when
2 it is not medically appropriate.

3 E. If an offender ordered by a court to undergo
4 treatment with medroxyprogesterone acetate refuses to allow
5 the administration of that treatment, the offender is guilty
6 of a second degree felony and shall be sentenced in
7 accordance with the provisions of Section 31-18-15 NMSA
8 1978. "

9 Section 2. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 2000.