

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** February 2, 2024  
**Bill No:** SB 276

**Sponsor:** Maestas  
**Short Title:** Probation and Parole Sentence

**Agency Name and Code** NM Sentencing Commission (354)  
**Number:** \_\_\_\_\_  
**Person Writing** Douglas Carver  
**Phone:** 505-239-8362 **Email** dhmcarver@unm.edu

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

SB 276 makes changes to certain probation and parole requirements in statute, with the effect of eliminating overlapping periods of both probation and parole for someone released from incarceration.

First, it amends Section 31-18-15, concerning parole authority (among other matters). SB 276 adds that “parole shall not be required if a partially suspended sentence involving probation would be concurrent” to Subsection D, the subsection that requires the designated period of parole to be imposed without consideration of the suspension or deferral of the basic sentence of imprisonment.

Second, SB 276 also changes to Section 31-20-5, concerning placing a defendant on probation. It removes the provision that the District Court probation shall not exceed five years. Additionally, for District Court, Magistrate Court, and Metropolitan Court, “The time period for probation shall not exceed the jurisdiction of the court.” SB 276 also removes the language that governs how someone who has to serve both parole and probation is handled. Instead, the bill states that such defendants shall only serve their period of probation instead of their required period of parole.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

Section 31-21-10 is the core provision for parole in statute. SB 276 makes no amendments to this section of law, which could set up some contradictions in how parole is handled.

Returns for parole violations make up a significant proportion of new admissions. For instance, in FY 2022, parole violations made up over 30% of new admissions to NMCD for both male.

and females. See the Sentencing Commission's New Mexico Prison Population Forecast: FY 2023-2033, Tables 8 and 9 (p. 10) (available at: <https://nmsc.unm.edu/reports/2023/prison-population-forecast-fy2023-fy2033.pdf>).

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**