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HOUSE BILL 212

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LARRY A. LARRAÑAGA

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CORRECTIONS; REQUIRING INMATES TO EARN MERITORIOUS DEDUCTIONS FROM A TERM OF IMPRISONMENT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 33-2-34 NMSA 1978 (being Laws 1978, Chapter 40, Section 1, as amended) is repealed and a new Section 33-2-34 NMSA 1978 is enacted to read:

"33-2-34. [NEW MATERIAL] ELIGIBILITY FOR EARNED MERITORIOUS DEDUCTIONS. --

A. An inmate confined in the penitentiary of New Mexico or other state correctional facility for committing a violent offense is eligible to earn meritorious deductions of up to four days per month upon recommendation of the classification committee and approval by the warden.

Underscored material = new
[bracketed material] = delete

1 B. An inmate confined in the penitentiary of New
2 Mexico or other state correctional facility for committing a
3 nonviolent offense is eligible to earn meritorious deductions of
4 up to thirty days per month upon recommendation of the
5 classification committee and approval by the warden.

6 C. In order to earn meritorious deductions, an
7 inmate shall actively participate in a program recommended and
8 approved for him by the classification committee. Programs
9 include education programs, drug or alcohol treatment programs,
10 drug or alcohol counseling programs or corrections industries
11 programs.

12 D. An inmate is not eligible to earn meritorious
13 deductions if he:

14 (1) disobeys an order to perform labor,
15 pursuant to Section 33-8-4 NMSA 1978;

16 (2) is in disciplinary segregation;

17 (3) is within his first sixty days of receipt
18 by the corrections department; or

19 (4) is not actively participating in a program
20 recommended and approved for him by the classification
21 committee.

22 E. The provisions of this section shall not be
23 interpreted as providing eligibility to earn meritorious
24 deductions to an inmate during the initial thirty years of a
25 sentence imposed pursuant to the provisions of:

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- 1 (1) Subsection A of Section 30-2-1 NMSA 1978;
- 2 (2) Section 31-18-23 NMSA 1978; or
- 3 (3) Section 31-18-25 NMSA 1978.

4 F. The corrections department shall promulgate rules
5 and regulations to implement the provisions of this section, and
6 the rules and regulations shall be matters of public record. A
7 concise summary of the rules and regulations shall be provided
8 to every inmate and every inmate shall receive a quarterly
9 statement of the meritorious deductions he has earned.

10 G. A New Mexico inmate confined in a federal or
11 out-of-state correctional facility is eligible to earn
12 meritorious deductions on the basis of his inmate conduct
13 reports furnished by those facilities to the corrections
14 department, subject to final approval by the secretary of
15 corrections.

16 H. An inmate imprisoned in a correctional facility
17 in New Mexico that is operated by a private company, pursuant to
18 a contract with the corrections department, is eligible to earn
19 meritorious deductions in the same manner as an inmate
20 imprisoned in a state-run correctional facility.

21 I. As used in this section:

22 (1) "nonviolent offense" means any felony
23 offense other than a violent offense; and

24 (2) "violent offense" means:

25 (a) second degree murder, as provided in

1 Section 30-2-1 NMSA 1978;

2 (b) voluntary manslaughter, as provided
3 in Section 30-2-3 NMSA 1978;

4 (c) assault with intent to commit a
5 violent felony, as provided in Section 30-3-3 NMSA 1978;

6 (d) criminal sexual penetration, as
7 provided in Section 30-9-11 NMSA 1978; and

8 (e) robbery, as provided in Section
9 30-16-2 NMSA 1978.

10 Section 2. Section 33-2-36 NMSA 1978 (being Laws 1988,
11 Chapter 78, Section 6) is amended to read:

12 "33-2-36. FORFEITURE OF EARNED MERITORIOUS DEDUCTIONS. --
13 [~~Any accrued deductions may be forfeited by the convict~~]

14 A. Meritorious deductions earned by an inmate may be
15 forfeited by that inmate for any major conduct violation upon
16 the recommendation of the classification committee, approval by
17 the warden and final approval by the secretary of corrections.

18 B. The provisions of this section also apply to
19 forfeiture of earned meritorious deductions for an inmate
20 imprisoned in a correctional facility in New Mexico operated by
21 a private company, pursuant to a contract with the corrections
22 department."

23 Section 3. Section 33-2-37 NMSA 1978 (being Laws 1988,
24 Chapter 78, Section 7) is amended to read:

25 "33-2-37. RESTORATION OF FORFEITED MERITORIOUS

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1 DEDUCTIONS. --

2 A. Meritorious deductions forfeited under Section
3 33-2-36 NMSA 1978 may be restored in whole or in part to [~~any~~
4 ~~prisoner~~] an inmate who is exemplary in conduct and work
5 performance for a period of not less than six months following
6 the date of forfeiture. Meritorious deductions may be restored
7 upon recommendation of the classification committee, approval by
8 the warden and final approval by the secretary of corrections.

9 B. The provisions of this section also apply to
10 restoration of earned meritorious deductions for an inmate
11 imprisoned in a correctional facility in New Mexico operated by
12 a private company, pursuant to a contract with the corrections
13 department. "

14 Section 4. Section 33-2-38 NMSA 1978 (being Laws 1889,
15 Chapter 76, Section 13, as amended) is amended to read:

16 "33-2-38. COMPUTATION OF TERM -- [~~Sec. 54. No convict~~
17 ~~shall~~] An inmate shall not be discharged from the penitentiary
18 of New Mexico or other correctional facility until he has
19 [~~remained~~] served the full term for which he was sentenced.
20 [~~to~~] The term shall be computed from and [~~including~~] include the
21 day on which his sentence took effect and [~~excluding~~] shall
22 exclude any time the [~~convict~~] inmate may have been at large by
23 reason of escape [~~therefrom~~], unless he [~~may be~~] is pardoned or
24 otherwise released by legal authority. [~~Provided that nothing~~
25 ~~in~~] The provisions of this section shall [~~be so construed as~~]

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1 not be interpreted to deprive [~~any convict~~] an inmate of any
2 reduction of time to which he may be entitled [~~to under § 5070~~]
3 pursuant to the provisions of Section 33-2-34 NMSA 1978. "

4 Section 5. REPEAL. -- Section 33-8-14 NMSA 1978 (being Laws
5 1981, Chapter 127, Section 14) is repealed.

6 Section 6. EFFECTIVE DATE. -- The effective date of the
7 provisions of this act is July 1, 1997.

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