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HOUSE BILL 310

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

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO COMMUNITY CORRECTIONS; REVISING THE CRITERIA FOR DETERMINING WHICH CRIMINAL OFFENDERS MAY PARTICIPATE IN COMMUNITY CORRECTIONS PROGRAMS; AMENDING A SECTION OF THE ADULT COMMUNITY CORRECTIONS ACT.

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

Section 1. Section 33-9-7 NMSA 1978 (being Laws 1983, Chapter 202, Section 7, as amended) is amended to read:

"33-9-7. STATE SELECTION PANEL. --

A. The department shall establish a state panel whose duties shall be to immediately screen and identify criminal offenders sentenced to imprisonment in a correctional facility of the department, except individuals sentenced or transferred from a judicial district ~~[which]~~ that has established a local panel to exercise these duties pursuant to

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1 the provisions of Section 33-9-8 NMSA 1978, who meet the
2 following criteria:

3 (1) the offender has not been convicted of a
4 crime involving the use of a firearm.

5 ~~[(1)]~~ (2) the crime involved is one for which
6 community service or reasonable restitution may be made using a
7 payment schedule compatible with the total amount of restitution
8 to be paid and the time the offender is to participate in a
9 program; and

10 ~~[(2)]~~ (3) the offender is willing to enter into
11 a contract ~~[which]~~ that establishes objectives ~~[which]~~ that
12 shall be achieved before release from the program.

13 B. The department may establish criteria in addition
14 to those established in Subsection A of this section for the
15 screening of criminal offenders who would benefit from
16 participation in a program and who would not pose a threat to
17 the community.

18 C. If the state panel determines that a criminal
19 offender is suitable for placement in a program, a
20 recommendation to that effect and for modification of sentence
21 shall be presented as soon as possible to the sentencing judge
22 who may, notwithstanding any provision of law, accept, modify or
23 reject the recommendation. The sentencing judge's determination
24 shall be presented to the county, municipality or private
25 nonprofit organization, as applicable, for approval or

. 115140. 1

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1 rejection. In no event shall the sentencing judge order to be
2 placed into a program any criminal offender whom the state
3 selection panel has not approved. "

4 Section 2. EFFECTIVE DATE. -- The effective date of the
5 provisions of this act is July 1, 1997.

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 12, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 310

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 3, strike the word "not" and insert in
lieu thereof the word "never".

2. On page 2, line 4, strike the word "crime" and insert
in lieu thereof the word "felony".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: King, Mallory, Rios, Sanchez

Absent: None

M H0310

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