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SENATE BILL 920

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

INTRODUCED BY

PHIL A. GRIEGO

AN ACT

RELATING TO CRIMINAL PROCEDURE; ADDING CONTRIBUTIONS TO A DRUG ABUSE RESISTANCE EDUCATION PROGRAM AS ONE OF THE CONDITIONS THAT MAY BE IMPOSED FOR DEFERRING OR SUSPENDING A CRIMINAL SENTENCE.

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

Section 1. Section 31-20-6 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-18, as amended) is amended to read:

"31-20-6. CONDITIONS OF ORDER DEFERRING OR SUSPENDING SENTENCE. --The magistrate, metropolitan or district court shall attach to its order deferring or suspending sentence such reasonable conditions as it may deem necessary to ensure that the defendant will observe the laws of the United States and the various states and the ordinances of any municipality. The defendant upon conviction shall be required to reimburse a law enforcement agency or local crime stopper program for the amount

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1 of any reward paid by the agency or program for information
2 leading to his arrest, prosecution or conviction, but in no
3 event shall reimbursement to the crime stopper program preempt
4 restitution to victims pursuant to the provisions of Section
5 31-17-1 NMSA 1978. The defendant upon conviction shall be
6 required to pay the actual costs of his supervised probation
7 service to the [~~field services~~] adult probation and parole
8 division of the corrections department or appropriate
9 responsible agency for deposit to the corrections department
10 intensive supervision fund not exceeding one thousand twenty
11 dollars (\$1,020) annually to be paid in monthly installments of
12 not less than fifteen dollars (\$15.00) and not more than eighty-
13 five dollars (\$85.00), subject to modification, upon court
14 approval, by the appropriate district supervisor of the [~~field~~
15 ~~services~~] adult probation and parole division or the local
16 supervisor of the responsible agency on the basis of changed
17 financial circumstances, and may be required:

18 A. to provide for the support of any persons for
19 whose support he is legally responsible;

20 B. to undergo available medical or psychiatric
21 treatment and to enter and remain in a specified institution,
22 when required for that purpose;

23 C. to be placed on probation under the supervision,
24 guidance or direction of the [~~field services~~] adult probation
25 and parole division of the corrections department for a term not

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1 to exceed five years;

2 D. to serve a period of time in volunteer labor to
3 be known as "community service". The type of labor and period
4 of service shall be at the sole discretion of the court;
5 provided that any person receiving community service shall be
6 immune from any civil liability other than gross negligence
7 arising out of the community service, and any person who
8 performs community service pursuant to court order or any
9 criminal diversion program shall not be entitled to any wages,
10 shall not be considered an employee for any purpose and shall
11 not be entitled to workers' compensation, unemployment benefits
12 or any other benefits otherwise provided by law. As used in
13 this subsection, "community service" means any labor that
14 benefits the public at large or any public, charitable or
15 educational entity or institution;

16 E. to make a contribution of not less than ten
17 dollars (\$10.00) and not more than one hundred dollars (\$100),
18 to be paid in monthly installments of not less than five dollars
19 (\$5.00), to a local crime stopper program or a local drug abuse
20 resistance education program that operates in the territorial
21 jurisdiction of the court [~~and is approved by the crime stoppers~~
22 ~~commission~~]. If there is no program in that area, the
23 contribution shall be made to the crime stoppers commission; and

24 F. to satisfy any other conditions reasonably
25 related to his rehabilitation. "

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 March 3, 1997

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8 Mr. President:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 SENATE BILL 920

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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
16

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18 Respectfully submitted,

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22 _____
23 Fernando R. Macias, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Vernon

Absent: 0

S0920JU1

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