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HOUSE BILL 798

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

W. C. "Dub" Williams

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING COURTS WITH CERTAIN SENTENCING OPTIONS; SPECIFYING THE SPECIAL OLYMPICS AS A TYPE OF COMMUNITY SERVICE.

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 the department of public safety for the purpose

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

- 21 A. [~~to~~] provide for the support of [~~any~~] persons  
22 for whose support he is legally responsible;
- 23 B. [~~to~~] undergo available medical or psychiatric  
24 treatment and [~~to~~] enter and remain in a specified institution  
25 when required for that purpose;

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1 C. [tø] be placed on probation under the  
2 supervision, guidance or direction of the adult probation and  
3 parole division of the corrections department for a term not  
4 to exceed five years;

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

21 E. [tø] make a contribution of not less than ten  
22 dollars (\$10.00) and not more than one hundred dollars (\$100),  
23 to be paid in monthly installments of not less than five  
24 dollars (\$5.00), to the department of public safety for the  
25 purpose of funding law enforcement agencies that participate

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1 in the law enforcement torch run, to benefit the New Mexico  
2 special olympics, a local crime stopper program or a local  
3 drug abuse resistance education program that operates in the  
4 territorial jurisdiction of the court. If there is no program  
5 in that area, the contribution shall be made to the crime  
6 stoppers commission; and

7 F. [tø] satisfy any other conditions reasonably  
8 related to his rehabilitation. "

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 8, 1999

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

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12 HOUSE BILL 798

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

16 1. On page 1, line 25, after "reimburse" strike the  
17 remainder of the line and insert in lieu thereof "a law  
18 enforcement agency".

19  
20 2. On page 2, strike lines 1 and 2 in their entirety.

21  
22 3. On page 2, line 3, strike "olympics or".

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 798

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Respectfully submitted,

\_\_\_\_\_  
R. David Pederson, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, Stewart, Sanchez

Absent: None

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