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BILL

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PROBATION; ALLOWING FOR SOMEONE ON PROBATION TO  
HAVE THE TIME REQUIRED FOR PROBATION TO BE DECREASED FOR GOOD  
BEHAVIOR.

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

SECTION 1. Section 31-20-5 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 29-17, as amended) is amended to read:

"31-20-5. PLACING DEFENDANT ON PROBATION.--

A. When a person has been convicted of a crime for  
which a sentence of imprisonment is authorized and when the  
magistrate, metropolitan or district court has deferred or  
suspended sentence, it shall order the defendant to be placed  
on probation for all or some portion of the period of deferment  
or suspension if the defendant is in need of supervision,  
guidance or direction that is feasible for the corrections

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underscored material = new  
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1 department to furnish. Except for sex offenders as provided in  
2 Section 31-20-5.2 NMSA 1978, the total period of probation for  
3 district court shall not exceed five years and the total period  
4 of probation for the magistrate or metropolitan courts shall be  
5 no longer than the maximum allowable incarceration time for the  
6 offense or as otherwise provided by law.

7 B. If a defendant is required to serve a period of  
8 probation subsequent to a period of incarceration:

9 (1) the period of probation shall be served  
10 subsequent to any required period of parole, with the time  
11 served on parole credited as time served on the period of  
12 probation and the conditions of probation imposed by the court  
13 deemed as additional conditions of parole; and

14 (2) in the event that the defendant violates  
15 any condition of that parole, the parole board shall cause  
16 [~~him~~] the defendant to be brought before it pursuant to the  
17 provisions of Section 31-21-14 NMSA 1978 and may make any  
18 disposition authorized pursuant to that section and, if parole  
19 is revoked, the period of parole served in the custody of a  
20 correctional facility shall not be credited as time served on  
21 probation.

22 C. A person who has been placed on probation as  
23 provided for in this section shall, for every thirty days  
24 served without a probation violation, have thirty days removed  
25 from the person's period of probation."

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