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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE CRIMINAL JUSTICE REFORM SUBCOMMITTEE

AN ACT

RELATING TO CORRECTIONS; REQUIRING THAT EVIDENCE-BASED
BEHAVIORAL HEALTH TREATMENT PROGRAMS BE INCORPORATED INTO
COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PROGRAMS.

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

SECTION 1. Section 31-21-13.1 NMSA 1978 (being Laws 1988,
Chapter 62, Section 3, as amended) is amended to read:

"31-21-13.1. INTENSIVE SUPERVISION PROGRAMS.--

A. As used in this section:

(1) "cost beneficial" means that the cost
savings realized over a reasonable period of time are greater
than the costs of implementation;

(2) "evidence-based program" means a
behavioral health treatment program that:

(a) incorporates methods demonstrated to

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1 be effective for the intended population through scientifically
2 based research, including statistically controlled evaluations
3 or randomized trials;

4 (b) can be implemented with a set of
5 procedures to allow successful replication in New Mexico; and

6 (c) when possible, has been determined
7 to be cost beneficial; and

8 (3) "intensive supervision programs" means
9 programs that provide highly structured and intense
10 supervision, with stringent reporting requirements, of certain
11 individuals who represent an excessively high assessment of
12 risk of violation of probation or parole, emphasize meaningful
13 rehabilitative activities and reasonable alternatives without
14 seriously increasing the risk of recidivist crime and
15 facilitate the payment of restitution by the offender to the
16 victim. "Intensive supervision programs" [~~include~~] includes
17 house arrest programs or electronic surveillance programs or
18 both.

19 B. The corrections department shall implement and
20 operate intensive supervision programs in various local
21 communities. The programs shall provide services for
22 appropriate individuals by probation and parole officers of the
23 corrections department. The corrections department shall
24 promulgate rules and regulations to provide that the officers
25 providing these services have a maximum caseload of forty

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1 offenders and to provide for offender selection and other
2 criteria. The corrections department may cooperate with all
3 recognized law enforcement authorities and share all necessary
4 and pertinent information, records or documents regarding
5 probationers or parolees in order to implement and operate
6 these intensive supervision programs.

7 C. The corrections department shall incorporate
8 evidence-based programs as follows:

9 (1) by January 1, 2016, twenty percent of
10 intensive supervision program funding shall be spent on
11 evidence-based programs;

12 (2) by January 1, 2017, thirty percent of
13 intensive supervision program funding shall be spent on
14 evidence-based programs;

15 (3) by January 1, 2018, forty percent of
16 intensive supervision program funding shall be spent on
17 evidence-based programs; and

18 (4) by January 1, 2019, fifty percent of
19 intensive supervision program funding shall be spent on
20 evidence-based programs.

21 [~~G.~~] D. For purposes of this section, a judge
22 contemplating imposition of an intensive supervision program
23 for an individual shall consult with the adult probation and
24 parole division of the corrections department and consider the
25 recommendations before imposing such probation. The adult

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1 probation and parole division of the corrections department
2 shall recommend only those individuals who would have otherwise
3 been recommended for incarceration for intensive supervision
4 programs. A judge has discretion to impose an intensive
5 supervision program for an individual, regardless of
6 recommendations made by the adult probation and parole
7 division. Inmates eligible for parole, or within twelve months
8 of eligibility for parole, or inmates who would otherwise
9 remain in a correctional institution for lack of a parole plan
10 or those parolees whose parole the board would otherwise revoke
11 are eligible for intensive supervision programs. The
12 provisions of this section do not limit or reduce the statutory
13 authority vested in probation and parole supervision as defined
14 by any other section of the Probation and Parole Act.

15 ~~[D-]~~ E. There is created in the state treasury the
16 "corrections department intensive supervision fund" to be
17 administered by the corrections department upon vouchers signed
18 by the secretary of corrections. Balances in the corrections
19 department intensive supervision fund shall not revert to the
20 general fund. Beginning July 1, 1988, the intensive
21 supervision programs established pursuant to this section shall
22 be funded by those supervision costs collected pursuant to the
23 provisions of Sections 31-20-6 and 31-21-10 NMSA 1978. The
24 corrections department is specifically authorized to hire
25 additional permanent or term full-time-equivalent positions for

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1 the purpose of implementing the provisions of this section."

2 SECTION 2. A new section of the Adult Community
3 Corrections Act is enacted to read:

4 "[NEW MATERIAL] EVIDENCE-BASED PROGRAMS.--

5 A. The department shall incorporate evidence-based
6 programs as follows:

7 (1) by January 1, 2016, twenty percent of
8 community corrections program funding shall be spent on
9 evidence-based programs;

10 (2) by January 1, 2017, thirty percent of
11 community corrections program funding shall be spent on
12 evidence-based programs;

13 (3) by January 1, 2018, forty percent of
14 community corrections program funding shall be spent on
15 evidence-based programs; and

16 (4) by January 1, 2019, fifty percent of
17 community corrections program funding shall be spent on
18 evidence-based programs.

19 B. As used in this section:

20 (1) "cost beneficial" means that the cost
21 savings realized over a reasonable period of time are greater
22 than the costs of implementation; and

23 (2) "evidence-based program" means a
24 behavioral health treatment program or practice that:

25 (a) incorporates methods demonstrated to

underscored material = new
~~[bracketed material]~~ = delete

1 be effective for the intended population through scientifically
2 based research, including statistically controlled evaluations
3 or randomized trials;

4 (b) can be implemented with a set of
5 procedures to allow successful replication in New Mexico; and

6 (c) when possible, has been determined
7 to be cost beneficial."

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