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SENATE BILL 451

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Cliff R. Pirtle

AN ACT

RELATING TO PAROLE; REQUIRING THE CORRECTIONS DEPARTMENT TO REVIEW A PRISONER'S RECENT PHONE CALLS AND TO AUDIT THE PRISONER'S EARNED MERITORIOUS DEDUCTIONS PRIOR TO THE EARLY RELEASE OF THE PRISONER FROM CONFINEMENT; REQUIRING THE PAROLE BOARD TO WEBCAST PAROLE HEARINGS.

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

SECTION 1. Section 31-21-25 NMSA 1978 (being Laws 1975, Chapter 194, Section 4, as amended) is amended to read:

"31-21-25. POWERS AND DUTIES OF THE BOARD.--

A. The parole board shall have the powers and duties of the former state board of probation and parole pursuant to Sections 31-21-6 and 31-21-10 through 31-21-17 NMSA 1978 and such additional powers and duties relating to the parole of adults as are enumerated in this section.

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1 B. The parole board shall have the following powers
2 and duties to:

3 (1) grant, deny or revoke parole;

4 (2) conduct or cause to be conducted such
5 investigations, examinations, interviews, hearings and other
6 proceedings as may be necessary for the effectual discharge of
7 the duties of the board;

8 (3) summon witnesses, books, papers, reports,
9 documents or tangible things and administer oaths as may be
10 necessary for the effectual discharge of the duties of the
11 board;

12 (4) maintain records of its acts, decisions
13 and orders and notify each corrections facility of its
14 decisions relating to persons who are or have been confined
15 therein;

16 (5) adopt an official seal of which the courts
17 shall take judicial notice;

18 (6) employ such officers, agents, assistants
19 and other employees as may be necessary for the effectual
20 discharge of the duties of the board;

21 (7) contract for services, supplies,
22 equipment, office space and such other provisions as may be
23 necessary for the effectual discharge of the duties of the
24 board; and

25 (8) adopt such rules and regulations as may be

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1 necessary for the effectual discharge of the duties of the
2 board.

3 C. The parole board shall provide a prisoner or
4 parolee with a written statement of the reason or reasons for
5 denying or revoking parole.

6 D. The parole board shall adopt a written policy
7 specifying the criteria to be considered by the board in
8 determining whether to grant, deny or revoke parole or to
9 discharge a parolee. When the determination is whether to
10 grant or deny parole, these criteria shall include a review by
11 the parole board of:

12 (1) the attestation provided to the board by
13 the corrections department pursuant to Section 33-2-52 NMSA
14 1978; and

15 (2) the audit of the prisoner's earned
16 meritorious deductions conducted by the corrections department
17 pursuant to Section 33-2-52 NMSA 1978.

18 E. When the parole board conducts a parole hearing
19 for an offender, ~~[and]~~ the parole board shall webcast the
20 hearing live online. The parole board shall, upon request of
21 the victim or family member [the board shall], allow the victim
22 of the offender's crime or a family member of the victim to be
23 present during the parole hearing. If the victim or a family
24 member of the victim requests an opportunity to speak to the
25 board during the hearing in public or private, the board shall

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1 grant that request. As used in this subsection, "family member
2 of the victim" means a mother, father, sister, brother, child
3 or spouse of the victim or a person who has custody of the
4 victim."

5 SECTION 2. A new Section 33-2-52 NMSA 1978 is enacted to
6 read:

7 "33-2-52. [NEW MATERIAL] EARLY RELEASE FROM
8 CONFINEMENT.--At least thirty days before any parole hearing
9 for the release of an inmate from confinement, the corrections
10 department shall:

11 A. review all phone calls placed or received by the
12 inmate within the last ninety days and attest to the parole
13 board that this review has been conducted; and

14 B. audit and make publicly available online the
15 meritorious deductions earned by the inmate."