

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 169

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO CORRECTIONS; ESTABLISHING THE MCKINLEY COUNTY JAIL AS AN ALTERNATIVE DRUG AND ALCOHOL TREATMENT REHABILITATION FACILITY WHERE DRUG AND ALCOHOL OFFENDERS MAY SERVE THE ENTIRETY OF THEIR SENTENCES; ESTABLISHING A PILOT PROJECT.

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

Section 1. MCKINLEY COUNTY DRUG AND ALCOHOL TREATMENT REHABILITATION FACILITY.--

A. McKinley county may establish a year-long pilot project whereby the McKinley county jail may serve as an alternative drug and alcohol treatment rehabilitation facility, directing its own drug and alcohol treatment programs for local offenders facing prison terms; provided that:

(1) McKinley county provides drug and alcohol treatment programs on a par with those provided at a state

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 correctional facility;

2 (2) McKinley county develops, adopts and
3 enforces rules establishing minimum drug and alcohol treatment
4 program standards for the jail as an alternative treatment
5 rehabilitation facility;

6 (3) the local magistrate or district court
7 judge prepares a pre-sentence report summarizing the drug- and
8 alcohol-related convictions of a person being considered for
9 the alternative treatment rehabilitation facility;

10 (4) counsel for the convicted person requests
11 that the convicted person be sentenced to the alternative
12 treatment rehabilitation facility; and

13 (5) a magistrate or an eleventh judicial
14 district court judge orders that the person convicted of a
15 second or subsequent offense in a drug- or alcohol-related
16 offense serve the appropriate sentence at the alternative
17 treatment rehabilitation facility, notwithstanding any
18 provision of Section 66-8-102 NMSA 1978.

19 B. A person sentenced to the McKinley county
20 alternative drug and alcohol treatment rehabilitation facility
21 shall be provided rehabilitation services, including substance
22 abuse counseling, educational counseling and life skills
23 counseling, under a program that meets standards adopted by
24 McKinley county for drug and alcohol treatment.

25 C. A person serving in the McKinley county

.180618.1

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

1 alternative drug and alcohol treatment rehabilitation facility
2 may be granted a deduction from the term of the person's
3 original sentence with the approval of the committing judge,
4 sheriff or jail administrator and with the concurrence of the
5 program administrator of the drug and alcohol treatment program
6 at the alternative treatment rehabilitation facility. The
7 deduction of time shall be established by rule and may be
8 awarded for good behavior, industry or progress in the
9 alternative treatment rehabilitation facility. However,
10 deductions of time shall not exceed one-half of the term of the
11 person's original sentence. If a person is under two or more
12 cumulative sentences, the sentences shall be treated as one
13 sentence for the purpose of deducting time for good behavior.

14 - 3 -
15
16
17
18
19
20
21
22
23
24
25

.180618.1