



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-051500 PPD Review of Offender Progress for Early Discharge Consideration	Issued: 4/14/90 Effective: 4/14/90	Reviewed: 4/24/26 Revised: 03/09/26
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

NMSA 1978, Section 31-21-7(F), Comp., as amended.

## REFERENCE:

ACA Standard 4-APPFS-2A-05, 4-APPFS-2A-14, 4-APPFS-2E-01, *Performance Based Standards for Adult Probation and Parole Field Services*, 4<sup>th</sup> Edition.

## PURPOSE:

To provide guidelines for the review of offender progress and consideration for early discharge of probation and/or parole supervision.

## APPLICABILITY:

All Probation and Parole Division (PPD) staff responsible for the supervision of offenders under probation and parole supervision only.

## ATTACHMENTS:

- A. **Petition for Earned Meritorious Deduction (EMD)** form (CD-051501.1)
- B. **Recommendation for Earned Meritorious Deduction (EMD)** form (CD-051501.2)
- C. **Notice of Early Discharge on Suspended Sentence** form (CD-051501.3)
- D. **Notice of Early Dismissal on Deferred Sentence** form (CD-051501.4)
- E. **Notice of Early Release on Conditional Discharge** (CD-051501.5)

## DEFINITIONS:

- A. Dual Supervision: An offender who is being supervised on probation and parole concurrently.
- B. Early Discharge of Supervision: Successful completion of probation or parole supervision as authorized by the Probation and Parole Division, court or the Adult Parole Board prior to the original expiration date.
- C. Earned Meritorious Deductions (EMD) for Parolees: The award of earned meritorious deductions of up to thirty (30) days per month to a parolee upon the recommendation of the parole officer supervising the offender and granted final approval from the Adult Parole Board.

- D. Offender: An adult placed under, or made subject to supervision, probation and/or parole as the result of the commission of a criminal offense and released to the community under the jurisdiction of the courts, paroling authorities, corrections, or other criminal justice agencies, and who are required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- E. Parole Authority: The decision-making body which has the authority to grant, deny, and revoke parole.
- F. Parolee: An offender serving a sentence as the result of the commission of a criminal offense who has been granted parole or who has been released from incarceration by operation of law to parole supervision.
- G. Probation and Parole Officer (PPO): The assigned PPD employee who is responsible for all supervision activities involving or relevant to a probationer or parolee.
- H. Probationer: An offender who has been charged with a felony crime and ordered to a term of supervision; may include a misdemeanor and/or petty misdemeanors.
- I. Serious Violent Offense: Any one of the following offenses committed by an offender under the supervision of the Department:
1. Second degree Murder, as provided in; Section 30-2-1 NMSA 1978
  2. Voluntary Manslaughter, as provided in; Section 30-2-3 NMSA 1978
  3. Third degree Aggravated Battery, as provided in; Section 30-3-5 NMSA 1978
  4. Third degree Aggravated Battery against a household member, as provided in; Section 30-3-16 NMSA 1978
  5. First degree Kidnapping, as provided in; Section 30-4-1 NMSA 1978
  6. First and second degree Criminal Sexual Penetration, as provided in; Section 30-9-11 NMSA 1978
  7. Second and third degree Criminal Sexual Contact of a Minor, as provided in; Section 30-9-13 NMSA 1978
  8. First and second degree Robbery, as provided in; Section 30-16-2 NMSA 1978
  9. Second degree Aggravated Arson, as provided in; Section 30-17-6 NMSA 1978
  10. Shooting at a dwelling or occupied building, as provided in; Section 30-3-8 NMSA 1978
  11. Shooting at or from a motor vehicle, as provided in; 30-3-8 NMSA 1978
  12. Aggravated battery upon a Peace Officer, as provided in; Section 30-22-25 NMSA 1978
  13. Assault with intent to commit a violent felony upon a Peace Officer, as provided in; Section 30-22-23 NMSA 1978
  14. Aggravated Assault upon a Peace Officer as provided in; Section 30-22-22 NMSA 1978

Any of the following offenses, when the nature of the offense and the resulting harm are such that the court judges the crime to be a serious violent offense for the purpose of this section:

1. Involuntary Manslaughter; as provided in; Section 30-2-3 NMSA 1978
2. Fourth degree Aggravated Assault, as provided in; Section 30-3-2 NMSA 1978
3. Third degree Assault with intent to commit a violent felony, as provided in; Section 30-3-3

NMSA 1978

4. Fourth degree Aggravated Assault against a Household Member, as provided in; Section 30-3-13 NMSA 1978
  5. Third degree Assault against a Household Member with intent to commit a violent felony; as provided in; Section 30-3-14 NMSA 1978
  6. Third and fourth degree Aggravated Stalking, as provided in; Section 30-3A-3.1 NMSA 1978
  7. Second degree Kidnapping, as provided in; Section 30-4-1 NMSA 1978,
  8. Second degree Abandonment of a Child, as provided in; Section 30-6-1 NMSA 1978
  9. First, second and third degree Abuse of a Child, as provided in; Section 30-6-1 NMSA 1978
  10. Third degree Dangerous Use of Explosives, as provided in; Section 30-7-5 NMSA 1978
  11. Third and fourth degree criminal sexual Penetration, as provided in; Section 30-9-11 NMSA
  12. Fourth degree Criminal Sexual Contact of a Minor, as provided in; Section 30-9-13 NMSA 1978
  13. Third degree Robbery, as provided in; Section 30-16-2 NMSA 1978
  14. Third degree Homicide by Vehicle or great bodily injury by Vehicle, as provided in; Section 66-8-101 NMSA 1978
  15. Battery upon a Peace Officer, as provided in; Section 30-22-24 NMSA 1978
- J. Sex Offense: Any current conviction that relates to any sexually motivated offense committed by an offender under the supervision of the Department including but not limited to:
1. Criminal sexual penetration in the first, second, third or fourth degree, as provided in; Section 30-9-11 NMSA 1978
  2. Criminal sexual contact in the fourth degree, as provided in; Section 30-9-12 NMSA 1978
  3. Criminal sexual contact of a minor in the second, third or fourth degree, as provided in; Section 30-9-13 NMSA 1978
  4. Sexual exploitation of children in the second or third degree, as provided in; Section 30-6A-3 NMSA 1978
  5. Sexual exploitation of children by prostitution in the first, second or third degree, as provided in; Section 30-6A-4 NMSA 1978,
  6. Kidnapping when committed with the intent to inflict a sexual offense. as provided in; Section 30-4-1 NMSA 1978
  7. False imprisonment when committed with the intent to inflict a sexual offense, as provided in; Section 30-4-3 NMSA 1978
  8. Aggravated criminal sexual penetration, as provided in; Section 30-9-11 NMSA 1978
  9. Aggravated Indecent Exposure, as provided in; Section 30-9-14.3 NMSA 1978
  10. Enticement of a Child, as provided in; Section 30-9-1 NMSA 1978
  11. Incest, when the victim is less than 18 years old, as provided in; Section 30-10-3 NMSA 1978,
  12. Child solicitation by electronic communication device, for convictions occurring on or after July 1, 2013, as provided in; Section 30-37-3.2 NMSA 1978
  13. Attempt or solicitation to commit any of the sex offenses set forth in paragraphs above, as provided in; Section 30-28-3 NMSA 1978
  14. An offense from another jurisdiction that is substantially the same as the sex offenses set forth above, as provided in; Ch. 30, art. 9 NMSA 1978
  15. Aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 NMSA 1978.
  16. Criminal Sexual contact in the fourth degree, as provided in; Section 30-9-12 NMSA 1978
  17. Criminal sexual contact of a minor in the second, third or fourth degree, as provided in

Section 30-9-13 NMSA 1978;

18. Sexual exploitation of children in the second degree, as provided in Section 30-6A-3 NMSA 1978;
19. Sexual exploitation of children by prostitution in the first or second degree, as provided in Section 30-6A-4 NMSA 1978;
20. Kidnapping, as provided in Section 30-4-1 NMSA 1978, when committed with intent to inflict a sexual offense upon the victim. Kidnapping when the victim is less than 18 years of age, and the offender is not the parent of the victim in the first or second degree.
21. False imprisonment provided in section 30-4-3 NMSA 1978, when the victim is under 18 years of age, and the offender is not, the parent of the victim in the fourth degree.
22. An offense from another jurisdiction that is substantially the same as the Sex Offenses set forth in paragraphs (1) through (5) above.

K. *Supervision*: The monitoring of an offender's behavior and compliance with conditions of supervision.

#### **POLICY:**

- A. The Probation and Parole Division has a series of graduated responses to address compliance and non-compliance with conditions of supervision. These include proportionate incentives for compliance and sanctions for non-compliance with conditions of supervision. [4-APPFS-2E-01]
- B. If permitted by law, early d may be granted by the supervising Probation and Parole Officer or releasing authority. [4-APPFS-2A-14] Early discharge from probation shall be granted automatically upon the offender's classification as a minimum level of risk by a validated scoring system, the offender has satisfied all conditions of probation, and the offender has served at least half of their sentence under supervision.
- C. Consistent with the law in the jurisdiction, there is policy defining when and how victim input is sought before a probation and parole officer requests the court or the releasing authority to add, remove, or modify any of the court-ordered special conditions of supervision. [4-APPFS-2A-05]
- D. It is the policy of the New Mexico Corrections Department Probation and Parole Division to provide an incentive to eligible parolees to be compliant with the terms of their supervision by making available the possibility of being awarded up to thirty (30) days of Earned Meritorious Deductions (EMD) per month which will allow them to discharge from parole prior to their original expiration date. This policy is designed to enhance a qualifying parolee's adjustment back into society, making them more productive members of the community.



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

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## AUTHORITY:

Policy *CD-051500*

## PROCEDURES: [4-APPFS-2A-05] [4-APPFS-2A-14] [4-APPFS-2E-01]

- A. Early discharge of a parole or probation case may be sought when the following conditions have been met.
1. The probationer or parolee sentenced under determinate sentencing laws has served at least half of his or her sentence under supervision.
  2. The offender is on minimum supervision and is complying with all conditions of probation.
  3. All restitution and fines have been paid at the time of request for early discharge. All GPS fees, including fees for lost or damaged GPS units are paid in full by the offender.
  4. There is no record of a Full Violation Report within one year prior to the request for early discharge, or no Preliminary Violation Reports or intermediate sanctions on record within six (6) months of the request for early discharge of supervision.
  5. The PPO must be satisfied that the offender can be released from supervision without endangering the community.
  6. Sex offenses are not eligible for early discharge consideration.
  7. Offenders on dual supervision shall only be considered for Earned Meritorious Deduction while on parole if the sentencing Judge of the probation term imposed will allow the offender to be released from probation supervision at the same time as parole.
  8. If there is a victim in the case, the PPO will contact the victim or victim services to determine the victim's position on an early discharge request. If the victim opposes the request, the PPO will indicate the victim's position on the request to the Parole Board or Court.

- B. Upon petition from a parolee (**Petition for Earned Meritorious Deduction (EMD)** Attachment *(CD-055001.A)*), the supervising officer shall determine if the parolee qualifies for consideration for Earned Meritorious Deductions (EMD). The supervising officer shall submit the **Recommendation for Earned Meritorious Earned Deduction (EMD)** Attachment *(CD- 055001.B)* indicating the amount of recommended EMD along with justification for the recommendation to the officer's immediate supervisor for approval.

The supervisor shall complete a case file audit. The supervisor shall either concur or not concur with the recommendation for EMD and forward the **Petition and Recommendation for EMD** to the Region Manager for approval. If approved, the petition and recommendation for EMD will be forwarded to the PPD Director or designee for approval. If approved by the Director or designee, the recommendation packet shall then be forwarded to the Adult Parole Board for final approval or denial.

The Adult Parole Board has the final authority to review recommendations from PPD to grant full EMD, partial EMD or deny EMD to an adult parolee.

- C. A report advising of early discharge of probation shall be completed using the **Notice of Early Discharge on Suspended Sentence** form *(CD-051501.3)*, **Notice of Early Dismissal on Deferred Sentence** form *(CD-051501.4)*, or **Notice of Early Release on Conditional Discharge** *(CD-051501.5)*, and summarizing the offender's behavior while on determinate probation or determinate parole will be submitted to the sentencing court or Parole Board with an approval line for the supervisor's signature and must contain at least the following information:
1. Charge and disposition;
  2. Date of probation;
  3. Amount of time served on probation;
  4. Exact reasons for early discharge; and,
  5. Summary of supervision.
  6. The supervisor will conduct a case file audit prior to signing the early discharge request.
- D. The PPO will document the date and results of the initial review for early discharge and any subsequent actions regarding the matter in the chronological case notes in the Offender Management System.

**NEW MEXICO CORRECTIONS DEPARTMENT  
PROBATION AND PAROLE DIVISION**

**Petition for Earned Meritorious Deduction (EMD)**

I, \_\_\_\_\_, hereby petition the Adult Parole Board for Earned Meritorious Deductions. I have followed all conditions of my parole and meet all eligibility criteria which qualify me for EMD. I was convicted and/or am serving a parole term on or after July 1, 2004, for the offense of \_\_\_\_\_ and have served at least 50% of my mandated parole term.

Parolee's Signature: \_\_\_\_\_

Offender #: \_\_\_\_\_

Date: \_\_\_\_\_

Submit this completed form to your supervising Parole Officer.

## NEW MEXICO CORRECTIONS DEPARTMENT PROBATION AND PAROLE DIVISION

### Recommendation for Earned Meritorious Deduction (EMD)

Offender's Name: \_\_\_\_\_ Offender #: \_\_\_\_\_

Current Offense: \_\_\_\_\_ Conviction Date: \_\_\_\_\_

Parole Term: \_\_\_\_\_ Parole Start Date: \_\_\_\_\_

PPO: \_\_\_\_\_ District/Region: \_\_\_\_\_

Amount of EMD recommended: (maximum of 30 days per month) \_\_\_\_\_

**Justification:**

Is restitution paid? \_\_\_\_\_

Have there been violations? \_\_\_\_\_

Other factors: \_\_\_\_\_

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\_\_\_\_\_  
Supervising PPO

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Supervisor PPD  
Approved:   
Disapproved:   
Date: \_\_\_\_\_

\_\_\_\_\_  
Division Director/Designee  
Approved:   
Disapproved:   
Date: \_\_\_\_\_

\_\_\_\_\_  
PPD Region Manager  
Approved:   
Disapproved:   
Date: \_\_\_\_\_

\_\_\_\_\_  
Adult Parole Board Member  
Approved:   
Disapproved:   
Date: \_\_\_\_\_

**STATE OF NEW MEXICO  
CORRECTIONS DEPARTMENT  
PROBATION AND PAROLE DIVISION**

\_\_\_\_\_ DISTRICT COURT  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO  
Cause #: \_\_\_\_\_  
STATE OF NEW MEXICO           Plaintiff,

vs.

\_\_\_\_\_ Defendant,

**Notice of Early Discharge on Suspended Sentence**

The New Mexico Corrections Department, Probation and Parole Division, hereby provides notice to the Court that the Defendant received a suspended sentence on the \_\_ day of \_\_\_\_\_, \_\_\_\_\_ for the charge of \_\_\_\_\_ and was to be on probation for a period of \_\_\_\_\_, for the offense of \_\_\_\_\_, and that the Defendant has been granted an early discharge, pursuant to Section 31-20-5 (c) NMSA1978 by the New Mexico Corrections Department, Probation and Parole Division.

SUMMARY OF REASONS FOR EARLY DISCHARGE: 1. Defendant is classification as a minimum level risk by a validated scoring system. 2. Defendant has met all of the obligations of the defendant's probation. 3. Defendant has completed one half or more of the period of probation.

Approved:

\_\_\_\_\_  
Probation Parole Officer

\_\_\_\_\_  
Supervisor

**STATE OF NEW MEXICO  
CORRECTIONS DEPARTMENT  
PROBATION AND PAROLE DIVISION**

\_\_\_\_\_ DISTRICT COURT  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO  
Cause #: \_\_\_\_\_  
STATE OF NEW MEXICO           Plaintiff,

vs.

\_\_\_\_\_ Defendant,

**Notice of Early Dismissal on Deferred Sentence**

The New Mexico Corrections Department, Probation and Parole Division, hereby provides notice to the Court that the Defendant received a deferred sentence on \_\_\_\_\_ and was placed on probation for a period of \_\_\_\_\_, for the offense of \_\_\_\_\_, and that the Defendant has been granted an early discharge, pursuant to Section 31-20-5 (c) NMSA 1978 from probation supervision by the New Mexico Corrections Department, Probation and Parole Division on \_\_\_\_\_.

SUMMARY OF REASONS FOR EARLY DISCHARGE: 1. Defendant is classification as a minimum level risk by a validated scoring system. 2. Defendant has met all of the obligations of the defendant's probation. 3. Defendant has completed one half or more of the period of probation.

Approved:

\_\_\_\_\_  
Probation Parole Officer

\_\_\_\_\_  
Supervisor

**STATE OF NEW MEXICO  
CORRECTIONS DEPARTMENT  
PROBATION AND PAROLE DIVISION**

\_\_\_\_\_ DISTRICT COURT  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO  
Cause #: \_\_\_\_\_  
STATE OF NEW MEXICO           Plaintiff,

vs.

\_\_\_\_\_ Defendant,

**Notice of Early Release on Conditional Discharge**

The New Mexico Corrections Department, Probation and Parole Division, hereby provides notice to the Court that the Defendant received a Conditional Discharge on \_\_\_\_\_, and was to be on probation for a period of \_\_\_\_\_ for the offense of \_\_\_\_\_. Pursuant to Section 31-20-5 (c) NMSA 1978 the New Mexico Corrections Department, Probation and Parole Division granted the Defendant early discharge from probation supervision on \_\_\_\_\_.

SUMMARY OF REASONS FOR EARLY DISCHARGE: 1. Defendant is classification as a minimum level risk by a validated scoring system. 2. Defendant has met all of the obligations of the defendant's probation. 3. Defendant has completed one half or more of the period of probation.

Approved:

\_\_\_\_\_  
Probation Parole Officer

\_\_\_\_\_  
Supervisor