



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-055000 Earned Meritorious Deductions (EMD) for Parolees	Issued: 04/14/90 Effective: 04/14/90	Reviewed: 11/29/23 Revised: 11/29/23
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- A. NMSA 33-2-34 as amended, 1978
- B. Policy *CD-010100*.

## REFERENCE:

None

## PURPOSE:

To establish procedures and guidelines for the application of Earned Meritorious Deductions (EMD) for offenders serving parole for a conviction within the State of New Mexico.

## APPLICABILITY:

This policy applies to all probation and parole employees who supervise a parole caseload.

## FORMS:

- A. **Petition for Earned Meritorious Deduction (EMD)** form (*CD-055001.1*)
- B. **Recommendation for Earned Meritorious Deduction (EMD)** form (*CD-055001.2*)

## ATTACHMENTS:

None

## DEFINITIONS:

- A. Parolee: An offender sentenced to confinement in a corrections facility designated by the corrections department who has been released from confinement and who is serving a term of one or two year parole (for determinate sentences).
- B. 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.
- C. 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:

- Criminal sexual penetration in the first, as provided in; second, third or fourth degree Section 30-9-11 NMSA 1978
- Criminal sexual contact in the fourth degree, as provided in; Section 30-9-12 NMSA 1978
- Criminal sexual contact of a minor in the second, third or fourth degree, as provided in; Section 30-9-13 NMSA 1978
- Sexual exploitation of children in the second or third degree, as provided in; Section 30-6A-3 NMSA 1978
- Sexual exploitation of children by prostitution in the first, second or third degree, as provided in; Section 30-6A-4 NMSA 1978
- Kidnapping when committed with the intent to inflict a sexual offense, as provided in; Section 30-4-1 NMSA 1978
- False imprisonment when committed with the intent to inflict a sexual offense, as provided in;
- Aggravated criminal sexual penetration, as provided in; Section 30-4-3 NMSA 1978
- Enticement of a Child, as provided in; Section 30-9-1 NMSA 1978
- 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,
- Attempt or solicitation to commit any of the sex offenses set forth in paragraphs above, as provided in; Ch. 30, art. 9 NMSA 1978,
- 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,

1. Aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 NMSA 1978.
2. Criminal Sexual contact in the fourth degree.
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 degree, as provided in Section 30-6A-3 NMSA 1978;
5. Sexual exploitation of children by prostitution in the first or second degree, as provided in Section 30-6A-4 NMSA 1978;
6. 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.
7. 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.
8. An offense from another jurisdiction that is substantially the same as the Sex Offenses set forth in paragraphs (1) through (5) above.

D. *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; Section 30-3-8 NMSA 1978
  12. Aggravated battery upon a Peace Officer, as provided in; Section 30-22-25 NMSA 1978 Assault with intent to commit a violent felony upon a Peace Officer, as provided in; Section 30-22-23 NMSA 1978
  13. Aggravated Assault upon a Peace Officer, as provided in; Section 30-22-22 NMSA 1978
  14. 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; 2) fourth degree Aggravated Assault; 3) third degree Assault with intent to commit a violent felony; 4) fourth degree Aggravated Assault against a Household Member; 5) third degree Assault against a Household Member with intent to commit a violent felony; 6) third and fourth degree Aggravated Stalking, as provided in; 7) second degree Kidnapping; 8) second degree Abandonment of a Child; 9) first, second and third degree Abuse of a Child; 10) third degree Dangerous Use of Explosives; 11) third and fourth degree criminal sexual Penetration; 12) fourth degree Criminal Sexual Contact of a Minor; 13) third degree Robbery; 14) third degree Homicide by Vehicle or great bodily injury by Vehicle; and 15) Battery upon a Peace Officer, as provided in; Ch. 30, art. 2 NMSA 1978, Ch. 30, art. 3 NMSA 1978, Ch. 30, art. 3A NMSA 1978, Ch. 30, art. 4 NMSA 1978, Ch. 30, art. 6 NMSA 1978, Ch. 30, art. 6A NMSA 1978, Ch. 30, art. 7 NMSA 1978, Ch. 30, art. 9 NMSA 1978, Ch. 30, art. 16 NMSA 1978,

E. Dual Supervision: An offender who is being supervised on probation and parole concurrently.

## **POLICY:**

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.



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Secretary  
Alisha Tafoya Lucero

CD-055001 Earned Meritorious Deductions (EMD)  
for Parolees

Issued: 04/14/90  
Effective: 04/14/90

Reviewed: 11/29/23  
Revised: 11/29/23

Alisha Tafoya Lucero, Cabinet Secretary

*Original Signed and Kept on File*

## AUTHORITY:

Policy *CD-055000*

## PROCEDURES:

### A. Eligibility Criteria:

Parole offenders convicted and/or who are serving a parole term on or after July 1, 2004, are eligible for Earned Meritorious Deductions (EMD) at the time the probation and parole officer determines that the parole offender has complied with all the conditions set forth by the Adult Parole Board. All special conditions must be met including restitution (if imposed) and supervision fees. All counseling (if imposed) must be completed and there must not have been any violations of parole conditions.

1. Parole offenders whose current conviction relates to a Sex Offense cannot be considered for good time credit while on parole.
2. Parole offenders whose current conviction relates to a Serious Violent Offense should not be considered for good time credit while on parole unless significant mitigating factors exist.
3. Parole offenders whose current conviction relates to a DWI Offense should not be considered for good time credit while on parole unless significant mitigating factors exist.

### B. Guidelines:

Qualifying parole offenders must have served a minimum of 50% of the supervision term imposed prior to a recommendation for Earned Meritorious Deductions (EMD).

Offenders on dual supervision shall only be considered for EMD 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.

### C. Recommendation Procedure:

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 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.

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**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: \_\_\_\_\_

Number: \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Supervisor

\_\_\_\_\_  
PPD Division Director/Designee

Approved:  
Disapproved:

Approved:  
Disapproved:

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

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

\_\_\_\_\_  
PPD Region Manager

\_\_\_\_\_  
Adult Parole Board Member

Approved:  
Disapproved:

Approved:  
Disapproved:

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

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