

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 4: DISPOSITION OF OFFENDERS

§ 4252. Parole.

The Board of Parole, acting pursuant to applicable Commonwealth laws and the rules and regulations of the Board of Parole, shall have the power to grant parole to any person convicted of felony offense under this title or prior law, after the person has completed at least one-third of the unsuspended term of imprisonment sentenced by the court, except for the following exceptions:

(a) any person convicted of a crime for which a mandatory minimum term of imprisonment has been provided pursuant to statute, shall not be eligible for parole until the mandatory minimum term of imprisonment has been served;

(b) any person whose eligibility for parole has been restricted by the sentencing court, in its discretion, shall not be eligible for parole during the period of restriction, which period may be up to the maximum sentence provided under the law;

(c) any person who has been civilly or criminally committed for the purpose of receiving treatment for mental illness, disease or defect, after an adjudication of guilt by a court of competent jurisdiction, shall not be eligible for parole during the period of any commitment or extension thereof;

(d) any person sentenced to life imprisonment shall not be eligible for parole until a term of at least 30 years imprisonment has been served, unless further restricted by the sentencing court pursuant to subsection (b), above;

(e) any person convicted of Second, Third, or Fourth Degree Sexual Assault as set forth in 6 CMC sections 1302, 1303, and 1304, respectively, shall not be eligible for parole until a term of at least two-thirds of the minimum mandatory sentence has been served, unless further restricted by the sentencing court pursuant to subsection (b), above; and

(f) any person convicted of Second, Third, or Fourth Degree Sexual Abuse of a Minor as set forth in 6 CMC sections 1307, 1308, and 1309, respectively, shall be ineligible for parole until a term of at least two-thirds of the minimum mandatory sentence has been served, unless further restricted by the sentencing court pursuant to subsection (b), above.

Source: PL 3-71, § 1 (§ 1302); amended by PL 12-41, § 7; subsection (e) and (f) added by PL 18-3 §§ 11 and 12 (March 15, 2013), respectively.

Commission Comment: See N.M.I. Const. art. I, § 11, which provides, in part, that “[r]estitution to the crime victim shall be a condition of probation and parole except upon a showing of compelling interest.” The Commission removed an extraneous occurrence of the word “and” in subsection (c) and an extraneous period in subsection (f) pursuant to 1 CMC § 3806(g).

See the comment to 6 CMC § 4201.