

1 ~~[LR11-302. Automatic sanctions for technical violations by probationers.~~

2 ~~[Related Statewide Rule 5-805 NMRA]~~

3 ~~——— A. **Automatic sanctions adopted.** Under Rule 5-805(C) NMRA, automatic sanctions~~
4 ~~are hereby adopted for probationers who commit technical violations of probation, who are not~~
5 ~~under the supervision of the Adult Drug Court Program, and who voluntarily agree, in advance, to~~
6 ~~the following:~~

7 ~~——— (1) to not contest the alleged technical violation of probation;~~

8 ~~——— (2) to submit to sanctions in accordance with this local rule; and~~

9 ~~——— (3) to waive the provisions of Rule 5-805(D) (L) NMRA.~~

10 ~~——— B. **Positive drug test.** Sanctions for probationers who test positive for illegal~~
11 ~~substances, or who fail or refuse to provide a sample for testing, shall escalate and shall be as~~
12 ~~follows:~~

13 ~~——— (1) first positive test: ten (10) days incarceration;~~

14 ~~——— (2) second positive test: thirty (30) days incarceration or admission to a~~
15 ~~treatment facility at the discretion of the probation officer with approval by the district court judge;~~
16 ~~and~~

17 ~~——— (3) third positive test: recommendation to the district court to revoke probation.~~

18 ~~——— C. **Other technical violations.** As a sanction for all other technical violations, the~~
19 ~~probationer shall be incarcerated for five (5) days.]~~

20 ~~[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or~~
21 ~~after December 31, 2016; as withdrawn by Supreme Court Order No. S-1-RCR-2024-00067,~~
22 ~~effective for all cases pending or filed on or after February 23, 2024.]~~