

POL CODE Section 15-3-1. - Sentencing.

- A. No person found guilty of an offense shall be sentenced otherwise than in accordance with this chapter.
- B. The court may defer the judgment of guilt and disposition of sentence after a finding of guilt or plea of no contest for a definite period of probation, may suspend the imposition of sentence for a definite period of probation on a person who has been convicted of a crime, may order a civil mental health commitment of the guilty defendant in lieu of a penal sentence or for diagnostic purposes, or may impose a sentence that includes any or all of the following:
 - (1) To pay a fine;
 - (2) To be placed on probation under certain terms and conditions;
 - (3) To pay restitution to the victim;
 - (4) To imprisonment for a definite period of time within the term authorized;
 - (5) To community service; or
 - (5) To banishment for the following enumerated crimes:
 - (a) Murder, as defined in section 15-6-3;
 - (b) Aggravated sexual abuse, as defined in section 15-7-2;
 - (c) Sexual abuse, as defined in section 15-7-3;
 - (d) Sexual abuse of a minor or ward, as defined in section 15-7-4;
 - (e) Sexual exploitation of children, as defined in section 15-8-2; and
 - (f) Selling or buying of children, as defined in section 15-8-3.
- C. This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty. Such a judgment or order may be included in the sentence.
- D. The following provisions apply where the court elects to defer disposition of judgment and sentence:
 - (1) The deferral period may not initially exceed the maximum term of the sentence that may be imposed or a period of one year, whichever is greater, and may be upon terms and conditions as are appropriate to address public safety and the rehabilitation of the person.
 - (2) The charge(s) for which the court issues a deferred disposition shall be dismissed by the court upon successful completion of the terms and conditions of the probationary period.
 - (3) A deferred disposition shall not be regarded as a conviction during the deferral probationary term or after dismissal, *except* where the deferred disposition was for a crime of:
 - (a) domestic violence or the violation of an order of protection the deferred disposition may be counted as a conviction for purposes of sentencing related to a conviction for a subsequent crime of domestic violence or protection order violation occurring within five (5) years from such dismissal; or
 - (b) driving under the influence of an intoxicant the deferred disposition shall be counted as a previous conviction for purposes of subsequent convictions of driving under the influence of an intoxicant.
 - (4) For the crime of Driving Under the Influence of an Intoxicant (Sec. 15-14-16) a deferred disposition is only available for a first offense.
 - (5) Upon finding by a preponderance of the evidence that a person placed on deferred disposition has violated any condition or failed to comply with any rehabilitative term, the court may at any time during the deferral period:

- (a) revoke the deferred disposition, render judgment and sentence the person;
- (b) modify the conditions of probation; or
- (c) extend the deferral period for up to one (1) additional year.

E. The following provisions apply where the court elects to order community service:

- (1) Community service means unpaid labor that benefits the Pueblo of Laguna community or any public, charitable, or educational entity or institution.
- (2) The court has discretion to direct the length of service, the type of labor, and the beneficiary of such service.
- (3) A person performing community service pursuant to court order shall not be regarded as an employee of the Pueblo, and shall not be entitled to wages.
- (4) A person performing community service pursuant to court order shall be held harmless from civil liability arising from such service, except for liability caused by the participant's gross negligence or willful conduct.

(Res. No. 88-17, Effective 11/11/17)