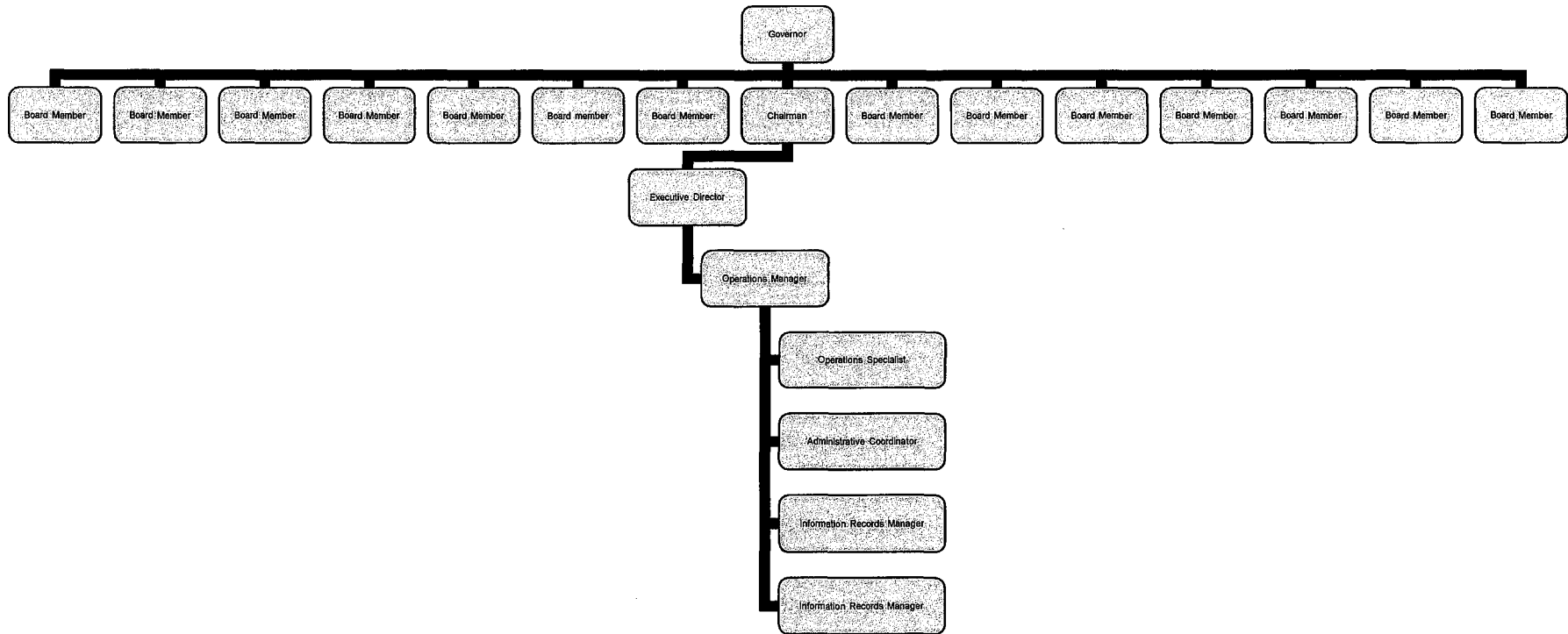


Adult Parole Board 76000



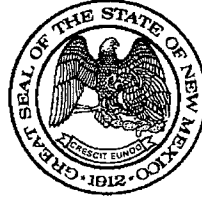
STATE OF NEW MEXICO ADULT PAROLE BOARD

SUSANA MARTINEZ, Governor

SANDRA DIETZ, Chair

Members

Abram Anaya
Caryn Apodaca
Laura Chavez
Barbara Johnson
Ellen Gatewood



Jo Ann Martinez, Director

Members

Kristine Ring
Amy Loveridge
Ricky Madrid
J. Mark Nunley
Dorothy Pouges

Year End Statistics for FY 17

Total Hearings Conducted	3741
Regular	2399
Revocation	1342
Medical Parole Applications	5
Granted	2
Denied	3
Sex Offender Review Hearings	26
Continued for next 2 ½ Years	6
Discharged	9
Deported	11
30 Year Lifer Hearings	23
Granted	3
Denied	20
Parole Discharge Certificates Issued	875
Satisfactory	690
Unsatisfactory	185
Early Meritorius	0
Parole Certificates Issued	2301
Executive Clemency Requests	3

PAROLE BOARD PACKET CHECKLIST

FACILITY: _____ PAROLE BOARD HEARING MONTH: _____

NAME: _____ NMCD: _____

CLASSIFICATION OFFICER: _____

Please ensure the following documentation is included in this packet. Check off is necessary.

_____ Progress Reports (not older than 6 months) including all standard attachments

____ reentry education/employment

____ medical information

____ mental health

____ substance abuse

____ security threat

____ family release information

_____ Psychological Evaluations (for all violent and sexual offense)

_____ Updated Good Time Figuring Sheets

_____ RAP or FBI Sheets/Fingerprints

_____ Judgment & Sentences

_____ DNA Submissions

_____ NMCD Community Risk Form

_____ Detainers (if applicable and must be clearly marked)

_____ Sex Offender Registration (if applicable)

_____ ICOTS (if applicable)

_____ Parole Plan Approval/Denial

All items should be submitted in one packet by facility and not mailed separately. Your signature below is affirming all information that is required has been enclosed in this parole packet.

Classification Supervisor's Signature Date

It is NOT necessary to copy the entire file since the Parole Board has already received case material at the time of RDC arrival/intake. Incomplete packets may be sent back to the facility for proper submission which may cause delay for inmate hearings. If the Parole Board file is missing a necessary document not on this checklist a request will be made.

STATE OF NEW MEXICO
ADULT PAROLE BOARD
PAROLE BOARD ACTION AND MINUTES



INMATES NAME: _____ NMCD# _____ CR- _____
The Parole Board heard evidence from inmate and case manager _____
and the Board takes the following action:

- Parole effective upon completion of basic sentence provided that all investigations and victim notification are complete.
- Parole granted to detainee, if detainee/charges are dropped report to the nearest Probation Parole Office within 24 hours. Failure to report will result in revocation of parole.
- Parole denied REASONS: _____
- Parole action deferred until parole plan is received and approved by Adult Parole Board.
- Parole granted pending an appropriate parole plan approved by the Adult Parole Board, provided you maintain a clear conduct to date of parole release otherwise parole denied (indeterminate sentence).
- Parole granted from CR# _____ to Consecutive CR# _____ effective _____
- Parole granted from CR# _____ to Concurrent CR# _____ effective _____

PRESENT:

Chairman / Member	Member	Member	Date
-------------------	--------	--------	------

SPECIAL CONDITIONS OF PAROLE

- A. I will participate, successfully complete, and obey all rules of the following program:
 - Any substance abuse treatment /counseling deemed appropriate by PPO and certified counselor.
 - Assessment requested
 - Mental health assessment
 - Compliance with medications as prescribed
 - Sex offender treatment / counseling
 - Victim impact panel i.e. DWI (MADD)
 - Domestic violence intervention
 - Anger management
 - Family and / or parenting counseling
 - Compliance with halfway / transitional housing
 - Residential treatment
 - Other _____
- B. I will refrain from the following activities:
 - Contact with co-defendant(s) _____
 - Driving any vehicle without a properly installed ignition interlock device for duration of parole / lifetime
 - Contact with victim(s) _____
 - Unsupervised contact with children under the age of 18
 - Other _____
- C. I will pay court ordered fines and fees to include monthly parole costs, payable through my Parole Officer.
 - Conviction prior to 7/1/04: \$ _____ per month. (\$15-85)
 - Conviction on or after 7/1/04: as set by district supervisor.
 - Conviction prior to 7/1/79: indeterminate no fee imposed.
 - Pay restitution to the victim(s) of my crime(s). If restitution has been ordered by the court, the amount is to be determined by my Parole Officer and payable through him / her (31-17-1, NMSA 1978 Annotated).
 - \$100.00 DNA fee.
- D. Level of supervision:
 - Intensive supervision program
 - Community corrections (if accepted)
 - Sex offender supervision
 - Per PPO assessment of risk: high/moderate/low
 - Curfew per PPO
 - Electronic monitoring/GPS by order of the Board
 - Electronic monitoring/GPS per PPO discretion
 - Continuous alcohol monitor
- E. Sex offense specified in 31-21-10.1 (E) NMSA:
 - Electronic monitor/GPS as required by statute for duration of parole
 - Register as a sex offender in accordance with State Statute
 - Sex offender specialized conditions (SO-1 form)

F. The above special conditions have been explained to me and I accept. I understand any violation of my parole conditions may result in my return to the New Mexico Corrections Department for final revocation proceedings. I will abide by the rules and regulations of the institution and the laws of the State of New Mexico. I also understand that I may be held past my release date pending approval of an investigation.

I REFUSE TO ACCEPT CONDITIONS. I ELECT TO DO PAROLE IN THE INSTITUTION.

SIGNATURE	NMCD#	WITNESS
DATE and INSTITUTION		DATE and INSTITUTION

STANDARD PAROLE CONDITIONS

1. I will report to my Parole Officer as directed. I will not abscond from parole, as evidenced by my failure to report where I cannot be located, after reasonable efforts, at my place of approved residence and employment.
2. If I am paroled or transferred to the custody of another State, I will abide by the rules in effect in that State, as well as the parole conditions imposed by the New Mexico Adult Parole Board.
3. I must seek and obtain permission from my Parole Officer before changing residence. I must secure a travel permit from my Parole Officer before any travel out of the county to which I am being supervised.
4. I will demean myself as a law abiding citizen. I will notify and advise my Parole Officer of any arrest within 24 hours (felony or misdemeanor).
5. I must maintain acceptable behavior and conduct which shall justify the opportunity granted to me by the New Mexico Adult Parole Board.
6. I will not illegally possess, use, or sell any narcotic drug, controlled or synthetic substance, or drug paraphernalia. I will not consume or buy intoxicating beverages, nor will I enter what is commonly known as a bar or lounge where intoxicants are sold.
7. I will submit to substance testing at my Parole Officers discretion.
8. I will not knowingly associate with any person who is a detriment to my parole. I will have no gang contact, attire, or paraphernalia.
9. I will not buy, sell, own or have in my possession, at any time, firearms, ammunition, or other deadly weapons of any kind.
10. I will seek and maintain verifiable employment, education, or community service (if not employed) and notify my Parole Officer immediately in the event of termination or change of employment.
11. I will permit my Parole Officer or Corrections Officials to visit me at all reasonable times, places, and will submit to reasonable warrantless searches per New Mexico Corrections Department policy.
12. I will refrain from driving any motor vehicle without a valid NM driver's license, registration, and insurance.
13. I will comply with all conditions and fines imposed by the judgment and sentence, as ordered by the court.

STATE OF NEW MEXICO
ADULT PAROLE BOARD

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Kristine Ring

Jo Ann Martinez, Director

MEMORANDUM

DATE: September 8, 2017
TO:
FROM: Sandra Dietz, Chair
RE: PAROLE REVOCATION HEARING

This is your written Notice of Action concerning your revocation hearing which was held on **(Date of Hearing)** at Central New Mexico Correctional Facility.

Reasons for revocation of your parole are as follows:

1. You violated Condition(s) -- and Special Condition(s) -- of your parole.

BOARD ACTION: The Board voted to revoke your parole effective **(Date scheduled for hearing)**

You will be granted full credit while on parole.

Future good time, if any, will be calculated by Corrections, not the Parole Board. I hereby acknowledge receiving Notice of Parole Board Action on my revocation hearing.

Name PNM # Date Witness

SD/mv

xc: RDC
Region I
Parole Board

31-21-25.1 . Parole board; additional powers and duties; medical and geriatric parole program.

A. The parole board shall:

(1) establish rules and implement a "medical and geriatric parole program", in cooperation with the corrections department, by December 31, 1994;

(2) determine the appropriate level of supervision following parole and develop a comprehensive discharge plan for geriatric, permanently incapacitated and terminally ill inmates released under the medical and geriatric parole program;

(3) report annually to the corrections department and the legislature the number of applications for medical and geriatric parole it receives, the nature of the illnesses, disease or condition of applicants, the reasons for denial of applications for medical or geriatric parole and the number of persons on medical and geriatric parole who have been returned to the custody of the department and the reasons for their return;

(4) make a determination whether to grant geriatric or medical parole within thirty days of receipt of an application and supporting documentation from the corrections department;

(5) at the time of release, prescribe terms and conditions of geriatric or medical parole, including medical supervision and intervals of periodic medical evaluations; and

(6) authorize the release of geriatric, permanently incapacitated and terminally ill inmates upon terms and conditions as the board may prescribe, if the board determines that an inmate is geriatric, permanently incapacitated or terminally ill, parole is not incompatible with the welfare of society and the inmate is not a first degree murder felon.

B. Inmates who have not served their minimum sentences may be considered eligible for parole under the medical and geriatric parole program. Medical and geriatric parole consideration shall be in addition to any other parole for which a geriatric, permanently incapacitated or terminally ill inmate may be eligible.

C. When considering an inmate for medical or geriatric parole, the parole board may request that certain medical evidence be produced or that reasonable medical examinations be conducted.

D. The parole term of a geriatric, permanently incapacitated or terminally ill inmate on medical or geriatric parole shall be for the remainder of the inmate's sentence, without diminution of sentence for good behavior.

E. When determining an inmate's eligibility for geriatric or medical parole, the parole board shall consider the following criteria concerning the inmate's:

(1) age;

(2) severity of illness, disease or infirmities;

(3) comprehensive health evaluation;

(4) institutional behavior;

(5) level of risk for violence;

(6) criminal history; and

(7) alternatives to maintaining geriatric or medical inmates in traditional settings.

F. As used in this section:

(1) "geriatric inmate" means a male or female offender who:

(a) is under sentence to or confined in a prison or other correctional institution under the control of the corrections department;

(b) is sixty-five years of age or older;

(c) suffers from a chronic infirmity, illness or disease related to aging; and

(d) does not constitute a danger to himself or society;

(2) "permanently incapacitated inmate" means a male or female offender who:

(a) is under sentence to or confined in a prison or other correctional institution under the control of the corrections department;

(b) by reason of an existing medical condition, is permanently and irreversibly physically incapacitated; and

(c) does not constitute a danger to himself or to society; and

(3) "terminally ill inmate" means a male or female offender who:

(a) is under sentence or confined in a prison or other correctional institution under the control of the corrections department;

(b) has an incurable condition caused by illness or disease that would, within reasonable medical judgment, produce death within six months; and

(c) does not constitute a danger to himself or society.

History: Laws 1994, ch. 21, § 3.

31-21-10.1 . Sex offenders; period of parole; terms and conditions of parole.

A. If the district court sentences a sex offender to a term of incarceration in a facility designated by the corrections department, the district court shall include a provision in the judgment and sentence that specifically requires the sex offender to serve an indeterminate period of supervised parole for a period of:

(1) not less than five years and not in excess of twenty years for the offense of kidnapping when committed with intent to inflict a sexual offense upon the victim, criminal sexual penetration in the third degree, criminal sexual contact of a minor in the fourth degree or sexual exploitation of children in the second degree; or

(2) not less than five years and up to the natural life of the sex offender for the offense of aggravated criminal sexual penetration, criminal sexual penetration in the first or second degree, criminal sexual contact of a minor in the second or third degree or sexual exploitation of children by prostitution in the first or second degree.

A sex offender's period of supervised parole may be for a period of less than the maximum if, at a review hearing provided for in Subsection C of this section, the state is unable to prove that the sex offender should remain on parole.

B. Prior to placing a sex offender on parole, the board shall conduct a hearing to determine the terms and conditions of supervised parole for the sex offender. The board may consider any relevant factors, including:

(1) the nature and circumstances of the offense for which the sex offender was incarcerated;

(2) the nature and circumstances of a prior sex offense committed by the sex offender;

(3) rehabilitation efforts engaged in by the sex offender, including participation in treatment programs while incarcerated or elsewhere;

(4) the danger to the community posed by the sex offender; and

(5) a risk and needs assessment regarding the sex offender, developed by the sex offender management board of the New Mexico sentencing commission or another appropriate entity, to be used by appropriate parole board personnel.

C. When a sex offender has served the initial five years of supervised parole, and at two and one-half year intervals thereafter, the board shall review the duration of the sex offender's supervised parole. At each review hearing, the attorney general shall bear the burden of proving by clear and convincing evidence that the sex offender should remain on parole.

D. The board may order a sex offender released on parole to abide by reasonable terms and conditions of parole, including:

(1) being subject to intensive supervision by a parole officer of the corrections department;

(2) participating in an outpatient or inpatient sex offender treatment program;

(3) a parole agreement by the sex offender not to use alcohol or drugs;

(4) a parole agreement by the sex offender not to have contact with certain persons or classes of persons; and

(5) being subject to alcohol testing, drug testing or polygraph examinations used to determine if the sex offender is in compliance with the terms and conditions of the sex offender's parole.

E. The board shall require electronic real-time monitoring of every sex offender released on parole for the entire time the sex offender is on parole. The electronic monitoring shall use global positioning system monitoring technology or any successor technology that would give continuous information on the sex offender's whereabouts and enable law enforcement and the corrections department to determine the real-time position of a sex offender to a high level of accuracy.

F. The board shall notify the chief public defender of an upcoming parole hearing for a sex offender pursuant to Subsection C of this section, and the chief public defender shall make representation available to the sex offender at the parole hearing.

G. If the board finds that a sex offender has violated the terms and conditions of the sex offender's parole, the board may revoke the sex offender's parole or may modify the terms and conditions of parole.

H. The provisions of this section shall apply to all sex offenders, except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act [31-21-22 through 31-21-26 NMSA 1978].

I. As used in this section, "sex offender" means a person who is convicted of, pleads guilty to or pleads nolo contendere to any one of the following offenses:

(1) kidnapping, as provided in Section 30-4-1 NMSA 1978, when committed with intent to inflict a sexual offense upon the victim;

(2) aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 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 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; or

(6) child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978.

History: Laws 2003 (1st S.S.), ch. 1, § 9; 2007, ch. 68, § 4; 2007, ch. 69, § 4.

31-21-10 . Parole authority and procedure.

A. An inmate of an institution who was sentenced to life imprisonment becomes eligible for a parole hearing after the inmate has served thirty years of the sentence. Before ordering the parole of an inmate sentenced to life imprisonment, the board shall:

- (1) interview the inmate at the institution where the inmate is committed;
- (2) consider all pertinent information concerning the inmate, including:
 - (a) the circumstances of the offense;
 - (b) mitigating and aggravating circumstances;
 - (c) whether a deadly weapon was used in the commission of the offense;
 - (d) whether the inmate is a habitual offender;
 - (e) the reports filed under Section 31-21-9 NMSA 1978; and
 - (f) the reports of such physical and mental examinations as have been made while in an institution;
- (3) make a finding that a parole is in the best interest of society and the inmate; and
- (4) make a finding that the inmate is able and willing to fulfill the obligations of a law-abiding citizen.

If parole is denied, the inmate sentenced to life imprisonment shall again become entitled to a parole hearing at two-year intervals. The board may, on its own motion, reopen any case in which a hearing has already been granted and parole denied.

B. Unless the board finds that it is in the best interest of society and the parolee to reduce the period of parole, a person who was sentenced to life imprisonment shall be required to undergo a minimum period of parole of five years. During the period of parole, the person shall be under the guidance and supervision of the board.

C. An inmate of an institution who was sentenced to life imprisonment without possibility of release or parole is not eligible for parole and shall remain incarcerated for the entirety of the inmate's natural life.

D. Except for certain sex offenders as provided in Section 31-21-10.1 NMSA 1978, an inmate who was convicted of a first, second or third degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a two-year period of parole. An inmate who was convicted of a fourth degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a one-year period of parole. During the period of parole, the person shall be under the guidance and supervision of the board.

E. Every person while on parole shall remain in the legal custody of the institution from which the person was released, but shall be subject to the orders of the board. The board shall furnish to each inmate as a prerequisite to release under its supervision a written statement of the conditions of parole that shall be accepted and agreed to by the inmate as evidenced by the inmate's signature affixed to a duplicate copy to be retained in the files of the board. The board shall also require as a prerequisite to release the submission and approval of a parole plan. If an inmate refuses to affix the inmate's signature to the written statement of the conditions of parole or does not have an approved parole plan, the inmate shall not be released and shall remain in the custody of the institution in which the inmate has served the inmate's sentence, excepting parole, until such time as the period of parole the inmate was required to serve, less meritorious deductions, if any, expires, at which time the inmate shall be released from that institution without parole, or until such time that the inmate evidences acceptance and agreement to the conditions of parole as required or receives approval for the inmate's parole plan or both. Time served from the date that an inmate refuses to accept and agree to the conditions of parole or fails to receive approval for the inmate's parole plan shall reduce the period, if any, to be served under parole at a later date. If the district court has ordered that the

inmate make restitution to a victim as provided in Section 31-17-1 NMSA 1978, the board shall include restitution as a condition of parole. The board shall also personally apprise the inmate of the conditions of parole and the inmate's duties relating thereto.

F. When a person on parole has performed the obligations of the person's release for the period of parole provided in this section, the board shall make a final order of discharge and issue the person a certificate of discharge.

G. Pursuant to the provisions of Section 31-18-15 NMSA 1978, the board shall require the inmate as a condition of parole:

(1) to pay the actual costs of parole services to the adult probation and parole division of the corrections department for deposit to the corrections department intensive supervision fund not exceeding one thousand eight hundred dollars (\$1,800) annually to be paid in monthly installments of not less than twenty-five dollars (\$25.00) and not more than one hundred fifty dollars (\$150), as set by the appropriate district supervisor of the adult probation and parole division, based upon the financial circumstances of the defendant. The defendant's payment of the supervised parole costs shall not be waived unless the board holds an evidentiary hearing and finds that the defendant is unable to pay the costs. If the board waives the defendant's payment of the supervised parole costs and the defendant's financial circumstances subsequently change so that the defendant is able to pay the costs, the appropriate district supervisor of the adult probation and parole division shall advise the board and the board shall hold an evidentiary hearing to determine whether the waiver should be rescinded; and

(2) to reimburse a law enforcement agency or local crime stopper program for the amount of any reward paid by the agency or program for information leading to the inmate's arrest, prosecution or conviction.

H. The provisions of this section shall apply to all inmates except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act.

History: 1978 Comp., § 31-21-10, enacted by Laws 1980, ch. 28, § 1; 1981, ch. 285, § 3; 1982, ch. 107, § 1; 1983, ch. 136, § 1; 1987, ch. 139, § 4; 1988, ch. 62, § 2; 1994, ch. 21, § 1; 1994, ch. 24, § 4; 1996, ch. 79, § 4; 1997, ch. 140, § 2; 2003 (1st S.S.), ch. 1, § 8; 2004, ch. 38, § 2; 2005, ch. 59, § 3; 2007, ch. 69, § 3; 2009, ch. 11, § 4.



NEW MEXICO PAROLE BOARD
REASONS FOR DENIAL

The reasons for denial contained herein apply to persons serving indeterminate sentences for crimes committed prior to July 1, 1979 and to persons serving indeterminate life sentences for crimes committed after July 1, 1979.

To: _____ PNM#: _____ Date: _____

INSTITUTION: _____ RE: PAROLE BOARD HEARING

After careful & thorough review of all the information and facts available in your case, the most significant reasons for this decision are listed below:

- _____ 1. Nature and seriousness of offense(s).
- _____ 2. Use of weapon in current offense (gun, knife or other).
- _____ 3. Repetition of similar offenses.
- _____ 4. Multi-Offender
- _____ 5. Lengthy criminal behavior pattern.
- _____ 6. Sentenced as Habitual Offender.
- _____ 7. Lengthy involvement with or habitual use of narcotics and/or alcohol.
- _____ 8. History of sexual deviancy.
- _____ 9. Poor Adjustment in institution
- _____ 10. Serious violation of institutional rules and regulations.
- _____ 11. Negative attitude.
- _____ 12. Assaultive behavior pattern.
- _____ 13. Prior probation revoked.
- _____ 14. Probation revoked by failure to make restitution.
- _____ 15. Parole violation on previous sentence or this sentence.
- _____ 16. Inadequate parole plan or no parole plan.
- _____ 17. Psychological Department does not recommend parole at this time.
- _____ 18. Time served in institution insufficient to assess parole suitability.
- _____ 19. Your parole at this time would depreciate the seriousness of your crime.
- _____ 20. Parole is not in the best interest of society and/or inmate at this time.
- _____ 21. There is a substantial risk that you will not conform to the conditions of parole.
- _____ 22. _____
- _____ 23. _____
- _____ 24. _____

After careful consideration of the factors in your case the Board recommends:

Participation in character and re-socialization development programs, if available, could possibly increase parole prospects.

- _____ a) Substance abuse counseling
- _____ b) Psychological counseling &/or therapy
- _____ c) Enrollment in education and/or vocational training program
- _____ d) Maintain employment
- _____ e) Make arrangements to pay restitution

(OTHER) _____

31-21-25 . Powers and duties of the board.

A. The parole board shall have the powers and duties of the former state board of probation and parole pursuant to Sections 31-21-6 and 31-21-10 through 31-21-17 NMSA 1978 and such additional powers and duties relating to the parole of adults as are enumerated in this section.

B. The parole board shall have the following powers and duties to:

- (1) grant, deny or revoke parole;
- (2) conduct or cause to be conducted such investigations, examinations, interviews, hearings and other proceedings as may be necessary for the effectual discharge of the duties of the board;
- (3) summon witnesses, books, papers, reports, documents or tangible things and administer oaths as may be necessary for the effectual discharge of the duties of the board;
- (4) maintain records of its acts, decisions and orders and notify each corrections facility of its decisions relating to persons who are or have been confined therein;
- (5) adopt an official seal of which the courts shall take judicial notice;
- (6) employ such officers, agents, assistants and other employees as may be necessary for the effectual discharge of the duties of the board;
- (7) contract for services, supplies, equipment, office space and such other provisions as may be necessary for the effectual discharge of the duties of the board; and
- (8) adopt such rules and regulations as may be necessary for the effectual discharge of the duties of the board.

C. The parole board shall provide a prisoner or parolee with a written statement of the reason or reasons for denying or revoking parole.

D. The parole board shall adopt a written policy specifying the criteria to be considered by the board in determining whether to grant, deny or revoke parole or to discharge a parolee.

E. When the parole board conducts a parole hearing for an offender, and upon request of the victim or family member the board shall allow the victim of the offender's crime or a family member of the victim to be present during the parole hearing. If the victim or a family member of the victim requests an opportunity to speak to the board during the hearing in public or private, the board shall grant that request. As used in this subsection, "family member of the victim" means a mother, father, sister, brother, child or spouse of the victim or a person who has custody of the victim.

History: 1953 Comp., § 41-17-40, enacted by Laws 1975, ch. 194, § 4; 1983, ch. 320, § 1; 1989, ch. 210, § 1; 2001, ch. 224, § 1.