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**HOUSE BILL 517**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Bengie Regensberg

**AN ACT**

RELATING TO JUVENILES; ALLOWING FOR THE COURT TO EXTEND A  
SHORT-TERM COMMITMENT; AMENDING A SECTION OF THE NMSA 1978.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

Section 1. Section 32A-2-23 NMSA 1978 (being Laws 1993,  
Chapter 77, Section 52, as amended) is amended to read:

"32A-2-23. LIMITATIONS ON DISPOSITIONAL JUDGMENTS--  
MODIFICATION--TERMINATION OR EXTENSION OF COURT ORDERS.--

A. A judgment transferring legal custody of an  
adjudicated delinquent child to an agency responsible for the  
care and rehabilitation of delinquent children divests the  
court of jurisdiction at the time of transfer of custody,  
unless the transfer of legal custody is for a commitment not  
exceeding fifteen days pursuant to the provisions of Section  
32A-2-19 NMSA 1978, in which case the court retains

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1 jurisdiction, and:

2 (1) the juvenile parole board pursuant to the  
3 Juvenile Parole Board Act has the exclusive power to parole or  
4 release the child;

5 (2) the supervision of a child after release  
6 under Paragraph (1) of this subsection may be conducted by the  
7 juvenile parole board in conjunction with the department or any  
8 other suitable state agency or under any contractual  
9 arrangements the juvenile parole board deems appropriate; and

10 (3) the period of time a child absconds from  
11 parole or probation supervision shall toll all time limits for  
12 the requirement of filing a petition to revoke probation or  
13 parole and shall toll the computation of the period of  
14 probation or parole supervision pursuant to the provisions of  
15 the Delinquency Act.

16 B. A judgment of probation or protective  
17 supervision shall remain in force for an indeterminate period  
18 not to exceed the term of commitment from the date entered.

19 C. A child shall be released by an agency and  
20 probation or supervision shall be terminated by juvenile  
21 probation and parole services or the agency providing  
22 supervision when it appears that the purpose of the order has  
23 been achieved before the expiration of the period of the  
24 judgment. A release or termination and the reasons therefor  
25 shall be reported promptly to the court in writing by the

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1 releasing authority.

2 D. Prior to the expiration of a short-term or long-  
3 term commitment, as provided for in Section 32A-2-19 NMSA 1978,  
4 the court may extend the judgment for additional periods of one  
5 year until the child reaches the age of twenty-one if the court  
6 finds that the extension is necessary to safeguard the welfare  
7 of the child or the public interest.

8 E. Prior to the expiration of a judgment of  
9 probation, the court may extend the judgment for an additional  
10 period of one year until the child reaches the age of twenty-  
11 one if the court finds that the extension is necessary to  
12 protect the community or to safeguard the welfare of the child.

13 F. The court may dismiss a motion if it finds after  
14 preliminary investigation that the motion is without substance.  
15 If the court is of the opinion that the matter should be  
16 reviewed, it may, upon notice to all necessary parties, proceed  
17 to a hearing in the manner provided for hearings on petitions  
18 alleging delinquency. The court may terminate a judgment if it  
19 finds that the child is no longer in need of care, supervision  
20 or rehabilitation or it may enter a judgment extending or  
21 modifying the original judgment if it finds that action  
22 necessary to safeguard the child or the public interest.

23 G. A child may make a motion to modify a children's  
24 court or adult disposition within thirty days of the judge's  
25 decision. If the court is of the opinion that the matter

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1 should be reviewed, it may, upon notice to all necessary  
2 parties, proceed to a hearing in the manner provided for  
3 hearings on petitions alleging delinquency. "

4 Section 2. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2003.

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