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HOUSE BILL 211

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Al Park

AN ACT

RELATING TO CORRECTIONS; PROVIDING CRIMINAL PENALTIES FOR  
ESCAPE FROM A COMMUNITY CORRECTIONS PROGRAM OR AN INTENSIVE  
SUPERVISION PROGRAM; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 33-2-46 NMSA 1978 (being Laws 1969,  
Chapter 166, Section 4, as amended) is amended to read:

"33-2-46. INMATE-RELEASE PROGRAM - COMMUNITY CORRECTIONS  
PROGRAM - INTENSIVE SUPERVISION PROGRAM - ESCAPE. -- [~~Any~~]

A. A prisoner whose limits of confinement have been  
extended or who has been granted a visitation privilege under  
the inmate-release program, who willfully fails to return to  
the designated place of confinement within the time prescribed,  
with the intent not to return, is guilty of an escape.

~~[Whoever is]~~ A person convicted of an escape under the

underscored material = new  
[bracketed material] = del ete

underscored material = new  
[bracketed material] = delete

1 provisions of this ~~[section]~~ subsection is guilty of a third  
2 degree felony and shall be sentenced pursuant to the provisions  
3 of Section 31-18-15 NMSA 1978.

4 B. A prisoner who has been released from prison  
5 before completing his basic prison term to participate in a  
6 community corrections program or intensive supervision program  
7 pursuant to the provisions of Section 33-9-5 or 31-21-13.1 NMSA  
8 1978 and who absconds or escapes from program supervision  
9 before completing his basic prison term is guilty of an escape.  
10 A person convicted of an escape pursuant to the provisions of  
11 this subsection is guilty of a fourth degree felony and shall  
12 be sentenced pursuant to Section 31-18-15 NMSA 1978. "

13 Section 2. EFFECTIVE DATE. --The effective date of the  
14 provisions of this act is July 1, 2004.

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