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HOUSE BILL 275

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

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO CORRECTIONS; PROVIDING FOR THE APPOINTMENT OF A
DIRECTOR OF THE PAROLE BOARD; CLARIFYING DUTIES AND POWERS.

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

Section 1. Section 31-21-24 NMSA 1978 (being Laws 1975,
Chapter 194, Section 3, as amended) is amended to read:

"31-21-24. PAROLE BOARD--MEMBERS--APPOINTMENT--TERMS--
QUALIFICATIONS--COMPENSATION--ORGANIZATION.--

A. There is created the "parole board",
administratively attached to the corrections department and
consisting of nine members appointed by the governor with the
consent of the senate.

B. The terms of the members of the parole board
shall be six years. To provide for staggered terms, three of
the initially appointed members, including the chairman, shall

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1 be appointed for terms of six years, three members for terms of
2 four years and three members for terms of two years.

3 Thereafter, all members shall be appointed for six-year terms.

4 C. Members of the parole board may be removed by
5 the governor as provided in Article 5, Section 5 of the
6 constitution of New Mexico. Vacancies shall be filled by
7 appointment by the governor for the remainder of the unexpired
8 term.

9 D. Members of the parole board shall be persons
10 qualified by such academic training or professional experience
11 as is deemed necessary to render them fit to serve as members
12 of the board. ~~No~~ A member of the board shall not be an
13 official or employee of any other federal, state or local
14 government entity.

15 E. Members of the parole board shall receive per
16 diem and mileage as provided for nonsalaried public officers in
17 the Per Diem and Mileage Act and shall receive no other
18 compensation, perquisite or allowance.

19 F. The governor shall designate one member of the
20 parole board to serve as chairman, who in addition to other
21 duties shall ~~[coordinate with the corrections department in the~~
22 ~~furnishing of services pursuant to Section 9-3-11 NMSA 1978]~~
23 schedule hearings for the parole board.

24 G. A parole may be granted, denied or revoked by a
25 quorum of two on a panel consisting of three parole board

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1 members appointed on a rotating basis by the chairman of the
2 board."

3 Section 2. Section 31-21-25 NMSA 1978 (being Laws 1975,
4 Chapter 194, Section 4, as amended) is amended to read:

5 "31-21-25. POWERS AND DUTIES OF THE BOARD.--

6 A. The parole board shall have the powers and
7 duties of the former state board of probation and parole
8 pursuant to Sections 31-21-6 and 31-21-10 through 31-21-17 NMSA
9 1978 and such additional powers and duties relating to the
10 parole of adults as are enumerated in this section.

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

13 (1) grant, deny or revoke parole;

14 (2) conduct or cause to be conducted such
15 investigations, examinations, interviews, hearings and other
16 proceedings as may be necessary for the effectual discharge of
17 the duties of the board;

18 (3) summon witnesses, books, papers, reports,
19 documents or tangible things and administer oaths as may be
20 necessary for the effectual discharge of the duties of the
21 board;

22 (4) maintain records of its acts, decisions
23 and orders and notify each corrections facility of its
24 decisions relating to persons who are or have been confined
25 therein;

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1 (5) adopt an official seal of which the courts
2 shall take judicial notice;

3 [~~(6)~~ employ such officers, agents, assistants
4 and other employees as may be necessary for the effectual
5 discharge of the duties of the board;

6 ~~(7) contract for services, supplies,
7 equipment, office space and such other provisions as may be
8 necessary for the effectual discharge of the duties of the
9 board]; and~~

10 [~~(8)~~] (6) adopt [~~such~~] rules [~~and regulations~~]
11 as [~~may be~~] necessary for the effectual discharge of the duties
12 of the board.

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

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

20 E. When the parole board conducts a parole hearing
21 for an offender, and upon request of the victim or family
22 member the board shall allow the victim of the offender's crime
23 or a family member of the victim to be present during the
24 parole hearing. If the victim or a family member of the victim
25 requests an opportunity to speak to the board during the

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1 hearing in public or private, the board shall grant that
2 request. As used in this subsection, "family member of the
3 victim" means a mother, father, sister, brother, child or
4 spouse of the victim or a person who has custody of the
5 victim."

6 Section 3. A new section of the Parole Board Act is
7 enacted to read:

8 "[NEW MATERIAL] DIRECTOR--POWERS AND DUTIES.--A director
9 shall be appointed by the governor to serve as the executive
10 officer of the parole board. The director shall:

11 A. employ officers, agents, assistants and other
12 employees as necessary for the effectual discharge of the
13 duties of the board;

14 B. contract for services, supplies, equipment,
15 office space and other provisions as necessary for the
16 effectual discharge of the duties of the board; and

17 C. coordinate with the corrections department in
18 the furnishing of support and other services."