

AN ACT

RELATING TO CRIME VICTIMS; PROVIDING AN OPPORTUNITY FOR A VICTIM OF CRIME TO MAKE A STATEMENT AT A COURT PROCEEDING AND TO BE INFORMED OF PLEA AGREEMENTS; REQUIRING NOTICE TO VICTIMS OF SCHEDULED COURT PROCEEDINGS.

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

Section 1. A new section of the Victims of Crime Act is enacted to read:

"CRIME VICTIM PRESENCE AT COURT PROCEEDINGS--PLEA AGREEMENT NOTIFICATION.--

A. At any scheduled court proceeding, the court shall inquire on the record whether a victim is present for the purpose of making an oral statement or submitting a written statement respecting the victim's rights enumerated in Section 31-26-4 NMSA 1978. If the victim is not present, the court shall inquire on the record whether an attempt has been made to notify the victim of the proceeding. If the district attorney cannot verify that an attempt has been made, the court shall:

(1) reschedule the hearing; or
(2) continue with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement; and

(3) order the district attorney to notify

the victim of the rescheduled hearing.

B. The provisions of this section shall not limit the district attorney's ability to exercise prosecutorial discretion on behalf of the state in a criminal case.

C. The provisions of this section shall not require the court to continue or reschedule any proceedings if it would result in a violation of a jurisdictional rule."

Section 2. Section 31-26-1 NMSA 1978 (being Laws 1994, Chapter 144, Section 1) is amended to read:

"31-26-1. SHORT TITLE.--Chapter 31, Article 26 NMSA 1978 may be cited as the "Victims of Crime Act"."

Section 3. Section 31-26-9 NMSA 1978 (being Laws 1994, Chapter 144, Section 9) is amended to read:

"31-26-9. PROCEDURES FOR PROVIDING VICTIMS WITH NOTICE OF RIGHTS AND INFORMATION REGARDING PROSECUTION OF A CRIMINAL OFFENSE--DISTRICT ATTORNEYS.--

A. Within seven working days after a district attorney files a formal charge against the accused for a criminal offense, the district attorney shall provide the victim of the criminal offense with:

(1) a copy of Article 2, Section 24 of the constitution of New Mexico, regarding victims' rights;

(2) a copy of the Victims of Crime Act;

(3) a copy of the charge filed against the accused for the criminal offense;

(4) a clear and concise statement of the procedural steps generally involved in prosecuting a criminal offense; and

(5) the name of a person within the district attorney's office whom the victim may contact for additional information regarding prosecution of the criminal offense.

B. The district attorney's office shall provide the victim with oral or written notice, in a timely fashion, of a scheduled court proceeding attendant to the criminal offense."