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HOUSE BILL 806

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO COUNTY JAILS; PROVIDING FOR COMMUNITY CUSTODY
RELEASE PROGRAMS; REQUIRING WRITTEN POLICIES AND APPROVAL BY
THE BOARD OF COUNTY COMMISSIONERS; EXPANDING THE CRIME OF
ESCAPE FROM A COMMUNITY CUSTODY RELEASE PROGRAM TO INCLUDE
ESCAPE FROM PROGRAMS APPROVED BY A BOARD OF COUNTY
COMMISSIONERS.

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

Section 1. A new section of Chapter 33, Article 3 NMSA
1978 is enacted to read:

"NEW MATERIAL COMMUNITY CUSTODY RELEASE PROGRAMS.--

A. A jail administrator may establish a community
custody release program as an alternative to incarceration in
the county jail.

B. A community custody release program may provide

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1 for substance abuse treatment and counseling, educational and
2 life skills counseling and training, employment or school
3 attendance as determined by the jail administrator. A
4 community custody release program may include a day reporting
5 program, an electronic monitoring program, a day detention
6 program or a community tracking program.

7 C. Before a community custody release program is
8 implemented, the jail administrator shall adopt written
9 policies for the program and for the assignment of inmates to
10 the program. The community custody release program and the
11 written policies shall be approved by the board of county
12 commissioners.

13 D. Only inmates charged with or convicted of a
14 nonviolent offense as defined in Section 33-2-34 NMSA 1978 are
15 eligible for placement in a community custody release program.

16 E. The board of county commissioners may require
17 inmates placed in a community custody release program to pay
18 some or all of the costs associated with their placement.

19 F. Time served in a community custody release
20 program shall be credited to the inmate as if the time was
21 served in the county jail.

22 G. As used in this section, "jail administrator"
23 means the person hired by a county who supervises the entire
24 operation of the jail and reports directly to the county
25 manager or the board of county commissioners and may include

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1 the sheriff of the county."

2 Section 2. Section 30-22-8.1 NMSA 1978 (being Laws 1999,
3 Chapter 118, Section 1) is amended to read:

4 "30-22-8.1. ESCAPE FROM A COMMUNITY CUSTODY RELEASE
5 PROGRAM.--

6 A. Escape from a community custody release program
7 consists of a person, excluding a person on probation or
8 parole, who has been lawfully committed by a judge or a jail
9 administrator to a [~~judicially approved~~] community custody
10 release program, including a day reporting program, an
11 electronic monitoring program, a day detention program or a
12 community tracking program that is judicially approved or
13 approved by the board of county commissioners, escaping or
14 attempting to escape from the community custody release
15 program.

16 B. Whoever commits escape from a community custody
17 release program, when the person was committed to the program
18 for a misdemeanor charge, is guilty of a misdemeanor.

19 C. Whoever commits escape from a community custody
20 release program, when the person was committed to the program
21 for a felony charge, is guilty of a felony.

22 D. As used in this section, "jail administrator"
23 means the person hired by a county who supervises the entire
24 operation of the jail and reports directly to the county
25 manager or the board of county commissioners and may include

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the sheriff of the county."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009.