

FORTY-NINTH LEGISLATURE
FIRST SESSION

February 28, 2009

SENATE FLOOR AMENDMENT number 1 to SENATE BILL 248, as amended
Amendment sponsored by Senator Gerald Ortiz y Pino

1. On page 1, between lines 16 and 17, insert the following new section:

"Section 1. Section 9-2A-5 NMSA 1978 (being Laws 1992, Chapter 57, Section 5) is amended to read:

"9-2A-5. ADMINISTRATIVELY ATTACHED AGENCY.--The juvenile [~~parole~~] public safety advisory board is administratively attached to the department.""

2. Renumber the succeeding sections accordingly.

3. On page 33, line 11, after "record", insert ", the child shall have legal representation present with the child, no plea shall be allowed to be taken via electronic communication".

4. On page 61, line 11, after the period, insert "The child's attorney shall receive notice and may be present at the release meeting.".

5. On page 63, line 2, strike ", law enforcement".

6. On page 63, lines 3 through 5, remove the brackets and line-through.

7. On page 64, line 25, strike "person" and insert in lieu thereof "child".

8. On page 65, line 2, after "the", strike the remainder of the line and strike lines 3 through 7 in their entirety and insert

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in lieu thereof:

"department when the child reaches the age of eighteen or at the expiration of legal custody and supervision, whichever occurs later, that the department's records have been sealed and that the court, the children's court attorney, the child's attorney and the referring law enforcement agency have been notified that the child's records are subject sealing."

9. On page 65, strike lines 17 through 25 in their entirety and insert in lieu thereof:

"G. The department shall seal the child's files and records when the child reaches the age of eighteen or at the expiration of the disposition, whichever occurs later. The department shall notify the children's court attorney, the child's attorney and the referring law enforcement agency that the child's records are subject to sealing.

H. A child who is determined by the court not to be a delinquent offender shall have the child's files and records in the instant proceeding automatically sealed by the court upon motion by the children's court attorney at the conclusion of the proceedings."

10. Reletter the succeeding subsection accordingly.

11. On page 86, line 4, underscore "evidence".

12. On page 101, lines 4 and 5, remove the underscoring.

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Gerald Ortiz y Pino

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____