

HOUSE BILL 42

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO THE DELINQUENCY ACT; REPLACING TERMS REFERENCING PAROLE WITH THOSE REFERENCING SUPERVISED RELEASE; ALLOWING A CHILDREN'S COURT ATTORNEY TO FILE A PETITION ALLEGING THAT A CHILD HAS WILLFULLY ABSCONDED FROM SUPERVISED RELEASE; ALLOWING THE COURT TO EXTEND THE COMMITMENT OF A CHILD; ALLOWING FOR THE TOLLING OF THE SUPERVISED RELEASE PERIOD UPON THE ISSUANCE OF A WARRANT.

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

SECTION 1. Section 32A-2-25 NMSA 1978 (being Laws 1993, Chapter 77, Section 54, as amended) is amended to read:

"32A-2-25. [~~PAROLE REVOCATION~~] SUPERVISED RELEASE--

.202405.1 Amendments in Context

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[bracketed material] = delete
language deleted = deleted by amendment
New amended language = new by amendment

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PROCEDURES.--

A. A child on [~~parole from an agency that has legal custody~~] supervised release who violates a term of [~~parole~~] supervised release may be proceeded against in a [~~parole revocation~~] supervised release proceeding conducted by the department [~~or the supervising agency~~] or by a hearing officer contracted by the department [~~who is neutral to the child and the agency~~] in accordance with procedures established by the department in cooperation with the juvenile [~~parole~~] public safety advisory board and any other person designated by the department. If a child willfully absconds from supervised release, the children's court attorney from the district where the child was initially committed may file a petition pursuant to Subsection E of this section.

B. A juvenile probation [~~and parole~~] officer may detain a child on [~~parole status~~] supervised release who is alleged to have violated a term or condition of [~~parole~~] supervised release until the completion and review of a preliminary [~~parole~~] supervised release revocation hearing. A child may waive the right to a preliminary [~~parole~~] supervised release revocation hearing after consultation with the child's attorney, parent,

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guardian or custodian.

[B-] C. If a retake warrant is issued by the department upon the completion of the preliminary [~~parole~~] supervised release revocation hearing, or in the case of a waiver, the juvenile [~~institution~~] facility to which the warrant is issued shall promptly transport the child to that [~~institution~~] facility at the expense of the department. If a child absconds from [~~parole supervision~~] supervised release and is apprehended in another state after the issuance of a [~~retake~~] warrant by the [~~department~~] district court, the juvenile justice division of the department [~~shall~~] may cause the return of the child to this state at the expense of the department.

D. The issuance of a warrant, upon the finding that the child has absconded from supervised release, shall toll the supervised release period.

E. The children's court attorney may file a petition alleging that a child has willfully absconded from supervised release. If the court finds that the child willfully absconded from supervised release and that it is necessary to safeguard the welfare of the child or the public's safety, the court may extend the child's commitment not to exceed six months on a short-term

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commitment, not to exceed one year on a long-term
commitment or until the child reaches the age of
twenty-one. Extension of the child's commitment under this
subsection shall follow the procedures to extend a child's
commitment in Section 32A-2-23 NMSA 1978. The petition shall
be filed in the district where the child was initially
committed."

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