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HOUSE BILL 72

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

INTRODUCED BY

Nate Gentry and Paul A. Pacheco

AN ACT

RELATING TO YOUTHFUL OFFENDERS; ALLOWING THE USE OF THE
JUVENILE DISPOSITION AND EVIDENCE GIVEN IN A HEARING IN COURT
FOR A YOUTHFUL OFFENDER WHEN CONSIDERING CONDITIONS OF RELEASE
OR AN ALTERATION OF A BASIC SENTENCE FOR A CRIME.

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

SECTION 1. A new section of the Criminal Procedure Act is
enacted to read:

"[NEW MATERIAL] REVIEW OF YOUTHFUL OFFENDER RECORDS.--
Notwithstanding any other provision of law, when considering
the setting of bail or other conditions of release of a person
charged with an offense, the juvenile disposition of a youthful
offender and any evidence given in a hearing in court for a
youthful offender may be considered."

SECTION 2. Section 32A-2-18 NMSA 1978 (being Laws 1993,
.202490.3

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 Chapter 77, Section 47, as amended) is amended to read:

2 "32A-2-18. JUDGMENT--NONCRIMINAL NATURE--
3 NONADMISSIBILITY.--

4 A. The court shall enter a judgment setting forth
5 the court's findings and disposition in the proceeding. A
6 judgment in proceedings on a petition under the Delinquency Act
7 resulting in a juvenile disposition shall not be deemed a
8 conviction of crime nor shall it impose any civil disabilities
9 ordinarily resulting from conviction of a crime nor shall it
10 operate to disqualify the child in any civil service
11 application or appointment. The juvenile disposition of a
12 child and any evidence given in a hearing in court shall not be
13 admissible as evidence against the child in any case or
14 proceeding in any other tribunal whether before or after
15 reaching the age of majority, except in sentencing proceedings
16 after conviction of a felony and then only for the purpose of a
17 presentence study and report.

18 B. Notwithstanding the provisions of Subsection A
19 of this section, the juvenile disposition of a youthful
20 offender and any evidence given in a hearing in court for a
21 youthful offender may be considered when a judge sentences a
22 person or imposes a period of parole pursuant to Section
23 31-18-15 NMSA 1978 or may be presented during a hearing to
24 consider whether to alter a basic sentence for a crime pursuant
25 to Section 31-18-15.1 NMSA 1978.

underscoring material = new
~~[bracketed material]~~ = delete

1 ~~[B-]~~ C. If a judgment resulting from a youthful
2 offender or serious youthful offender proceeding under the
3 Delinquency Act results in an adult sentence, a record of the
4 judgment shall be admissible in any other case or proceeding in
5 any other court involving the youthful offender or serious
6 youthful offender.

7 ~~[G-]~~ D. If a judgment on a proceeding under the
8 Delinquency Act results in an adult sentence, the determination
9 of guilt at trial becomes a conviction for purposes of the
10 Criminal Code."