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HOUSE BILL 27

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO THE DELINQUENCY ACT; REPLACING TERMS REFERENCING
PAROLE WITH THOSE REFERENCING SUPERVISED RELEASE; 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--
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

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 contracted by the department who is neutral to the child and
2 the [~~agency~~] department in accordance with procedures
3 established by the department in cooperation with the juvenile
4 [~~parole~~] public safety advisory board and any other person
5 designated by the department.

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

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

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