

AN ACT

RELATING TO VICTIMS' RIGHTS; AMENDING THE VICTIMS OF CRIME ACT; ADDING CERTAIN AGENCIES TO THOSE RESPONSIBLE FOR NOTIFICATION OF VICTIMS.

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

Section 1. Section 31-26-11 NMSA 1978 (being Laws 1994, Chapter 144, Section 11) is amended to read:

"31-26-11. PROCEDURES WHEN AN INMATE OR DELINQUENT CHILD ESCAPES--CORRECTIONS DEPARTMENT--CHILDREN, YOUTH AND FAMILIES DEPARTMENT.--

A. The corrections department or the children, youth and families department shall immediately notify the sentencing judge or the children's court judge, the district attorney of the judicial district from which the inmate or delinquent child was committed and the probation officer who authored the presentence report when an inmate or delinquent child:

(1) escapes from a correctional facility or juvenile justice facility under the jurisdiction of the corrections department or the children, youth and families department; or

(2) convicted in New Mexico of a capital, first degree or second degree felony and transferred to a facility under the jurisdiction of another state escapes from that facility.

B. The district attorney shall immediately notify any person known to reside in his district who was a victim of the criminal or delinquent offense for which the inmate or delinquent child was committed."

Section 2. Section 31-26-12 NMSA 1978 (being Laws 1994, Chapter 144, Section 12) is amended to read:

"31-26-12. PROCEDURES WHEN AN INMATE IS RELEASED FROM INCARCERATION--ADULT PAROLE BOARD--CORRECTIONS DEPARTMENT-- PROCEDURES WHEN A DELINQUENT CHILD IS RELEASED FROM CUSTODY-- JUVENILE PAROLE BOARD--CHILDREN, YOUTH AND FAMILIES DEPARTMENT--DISTRICT ATTORNEYS.--

A. The adult parole board and the juvenile parole board shall provide a copy of their respective regular release dockets to each district attorney in the state at least ten working days before the docket is considered by the board. The district attorney shall notify any person known to reside in his district who was a victim of the criminal offense for which the inmate was incarcerated or the delinquent child was committed.

B. The adult parole board and the juvenile parole board shall provide a copy of a supplemental, addendum or special docket to each district attorney at least five working days before the release docket is considered by the board.

C. Following consideration of a release docket by the adult parole board or the juvenile parole board, each board shall promptly notify each district attorney of any recommendations adopted by the board for release of an inmate from incarceration or a delinquent child from custody. The district attorney shall notify any person known to reside in his district who was a victim of the criminal offense for which the inmate was incarcerated or the delinquent child was committed.

D. In the case of an inmate scheduled to be

released from incarceration without parole or prior to parole for any reason, or a delinquent child scheduled to be released from custody, the corrections department or the children, youth and families department shall notify each district attorney at least fifteen working days before the inmate's or delinquent child's release. The district attorney shall notify any person known to reside in his district who was a victim of the criminal offense for which the inmate was incarcerated or the delinquent child was committed."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1999. _____