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SENATE BILL 182

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Nancy E. Rodriguez

AN ACT

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

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 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, the district attorney of the judicial
district from which the inmate was committed and the probation
officer who authored the presentence report when an inmate:

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

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

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

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

13 "31-26-12. PROCEDURES WHEN AN INMATE IS RELEASED FROM
14 INCARCERATION-- ADULT PAROLE BOARD-- CORRECTIONS DEPARTMENT--
15 JUVENILE PAROLE BOARD-- CHILDREN, YOUTH AND FAMILIES
16 DEPARTMENT-- DISTRICT ATTORNEYS. --

17 A. The adult parole board and the juvenile parole
18 board shall provide a copy of [~~its~~] their respective regular
19 [~~docket~~] dockets to each district attorney in the state at
20 least ten working days before the docket is considered by the
21 board. The district attorney shall notify any person known to
22 reside in his district who was a victim of the criminal
23 offense for which the inmate was incarcerated.

24 B. The adult parole board and the juvenile parole
25 board shall provide a copy of a supplemental, addendum or

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1 special docket to each district attorney at least five working
2 days before the docket is considered by the board.

3 C. Following consideration of a docket by the
4 adult parole board [the] or the juvenile parole board, each
5 board shall promptly notify each district attorney of any
6 recommendations adopted by the board for release of an inmate
7 from incarceration. The district attorney shall notify any
8 person known to reside in his district who was a victim of the
9 criminal offense for which the inmate was incarcerated.

10 D. In the case of an inmate scheduled to be
11 released from incarceration without parole or prior to parole
12 for any reason, the corrections department or the children,
13 youth and families department shall notify each district
14 attorney at least fifteen working days before the inmate's
15 release. The district attorney shall notify any person known
16 to reside in his district who was a victim of the criminal
17 offense for which the inmate was incarcerated. "

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

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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5
6 March 3, 1999
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8 Mr. President:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
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12 SENATE BILL 182
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14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that
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18 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
19 FOR SENATE BILL 182
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21 DO PASS, and thence referred to the FINANCE COMMITTEE.
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23 Respectfully submitted,
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Michael S. Sanchez, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: None

Excused: Aragon, Davis, Tsosie

Absent: None

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SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 182

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

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 [~~its~~] their respective regular [~~docket~~] 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

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1 the delinquent child was committed.

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

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

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

25 Section 3. EFFECTIVE DATE. -- The effective date of the

1 provisions of this act is July 1, 1999.

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SJC/SB 182

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

March 8, 1999

Mr. Presi dent:

Your FI NANCE COMMI TTEE, to whom has been referred

SENATE JUDI CIARY COMMI TTEE SUBSTITU TE FOR
SENATE BI LL 182

has had it under consideration and reports same with
recommenda tion that it DO PASS.

Respectfully submi tted,

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Ben D. Altamirano, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Campos, Carraro, Ingle, McKibben, Tsosie

Absent: None

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SJC/SB 182

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 15, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
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12 SENATE JUDICIARY COMMITTEE SUBSTITUTE
13 FOR SENATE BILL 182
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

SJC/SB 182

Page 18

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

J: \99BillsWP\S0182

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