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HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

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-- PROCEDURES.--

A. A child on [~~parole from an agency that has legal custody~~] supervised release who violates a term of [~~parole~~]

underscored material = new
[bracketed material] = delete

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1 supervised release may be proceeded against in a [~~parole~~
2 ~~revocation~~] supervised release proceeding conducted by the
3 department [~~or the supervising agency~~] or by a hearing officer
4 contracted by the department [~~who is neutral to the child and~~
5 ~~the agency~~] in accordance with procedures established by the
6 department in cooperation with the juvenile [~~parole~~] public
7 safety advisory board and any other person designated by the
8 department. If a child willfully absconds from supervised
9 release, the children's court attorney from the district where
10 the child was initially committed may file a petition pursuant
11 to Subsection E of this section.

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

20 [B.] C. If a retake warrant is issued by the
21 department upon the completion of the preliminary [~~parole~~]
22 supervised release revocation hearing, or in the case of a
23 waiver, the juvenile [~~institution~~] facility to which the
24 warrant is issued shall promptly transport the child to that
25 [~~institution~~] facility at the expense of the department. If a

underscored material = new
[bracketed material] = delete

1 child absconds from [~~parole supervision~~] supervised release and
2 is apprehended in another state after the issuance of a
3 [~~retake~~] warrant by the [~~department~~] district court, the
4 juvenile justice division of the department [~~shall~~] may cause
5 the return of the child to this state at the expense of the
6 department.

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

10 E. The children's court attorney may file a
11 petition alleging that a child has willfully absconded from
12 supervised release. If the court finds that the child
13 willfully absconded from supervised release and that it is
14 necessary to safeguard the welfare of the child or the public's
15 safety, the court may extend the child's commitment not to
16 exceed six months on a short-term commitment, not to exceed one
17 year on a long-term commitment or until the child reaches the
18 age of twenty-one. The petition shall be filed in the district
19 where the child was initially committed."