

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 362

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

L. Skip Vernon

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR EXPEDITED
ADJUDICATION OF CERTAIN CRIMINAL CASES THAT INVOLVE A CHILD
LESS THAN SIXTEEN YEARS OF AGE AS A VICTIM OR WITNESS;
ENACTING A NEW SECTION OF THE CRIMINAL CODE.

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

Section 1. A new section of the Criminal Code is
enacted to read:

"[NEW MATERIAL] EXPEDITED ADJUDICATION OF CERTAIN
CRIMINAL CASES--VICTIM OR WITNESS IS LESS THAN SIXTEEN YEARS
OF AGE. --

A. The prosecuting attorney and the court shall
take all reasonable action to expedite the adjudication of
the following criminal cases:

underscored material = new
[bracketed material] = delete

1 (1) abandonment or abuse of a child, as
2 provided in Section 30-6-1 NMSA 1978, when the victim is less
3 than sixteen years of age;

4 (2) sexual exploitation of children, as
5 provided in Section 30-6A-3 NMSA 1978, when the victim is
6 less than sixteen years of age;

7 (3) sexual exploitation of children by
8 prostitution, as provided in Section 30-6A-4 NMSA 1978, when
9 the victim is less than sixteen years of age;

10 (4) criminal sexual penetration, as provided
11 in Section 30-9-11 NMSA 1978, when the victim is less than
12 sixteen years of age;

13 (5) criminal sexual contact of a minor, as
14 provided in Section 30-9-13 NMSA 1978, when the victim is
15 less than sixteen years of age;

16 (6) aggravated assault against a household
17 member, as provided in Section 30-3-13 NMSA 1978, when a
18 child less than sixteen years of age is a witness to the
19 crime;

20 (7) aggravated assault against a household
21 member with intent to commit a violent felony, as provided in
22 Section 30-3-14 NMSA 1978, when a child less than sixteen
23 years of age is a witness to the crime; and

24 (8) aggravated battery against a household
25

. 131837. 1

underscored material = new
[bracketed material] = delete

1 member, as provided in Subsection C of Section 30-3-16 NMSA
2 1978, when a child less than sixteen years of age is a
3 witness to the crime.

4 B. The presiding court shall give precedence to
5 the criminal cases described in Subsection A of this section,
6 unless the court determines that:

7 (1) it is not in the best interests of the
8 child to expedite adjudication of the case; or

9 (2) the defendant in the case is in custody
10 and will remain in custody until the case is adjudicated.

11 C. When the presiding court is asked to rule on a
12 motion for a continuance in a case described in Subsection A
13 of this section, the court shall consider whether granting a
14 request for a continuance will have an adverse impact on the
15 child.

16 D. The provisions of this section shall not be
17 interpreted to create a statutory right to a trial within a
18 fixed period of time."

19 Section 2. EFFECTIVE DATE. -- The effective date of the
20 provisions of this act is July 1, 2000.