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SENATE BILL 819

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO COURTS; ENACTING THE TEEN COURT ACT; PROVIDING FOR  
THE ADMINISTRATION OF TEEN COURTS; PROVIDING PROCEDURES FOR  
TEEN COURTS.

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

Section 1. SHORT TITLE.--This act may be cited as the  
"Teen Court Act".

Section 2. DEFINITIONS.--As used in the Teen Court Act:

A. "minor offense" means:

(1) a violation of a municipal penal ordinance  
punishable by fine only;

(2) a Motor Vehicle Code violation included  
within the provisions of Section 32A-2-29 NMSA 1978;

(3) a Children's Code offense that would  
constitute a petty misdemeanor or a nonviolent misdemeanor if

1 committed by an adult;

2 (4) a violation of any school rule or  
3 regulation; or

4 (5) a violation of any other code or rule set  
5 forth in approved program guidelines;

6 B. "sponsor" means a public agency or private  
7 organization that chooses to support and oversee a teen court;

8 C. "teen" means a person between thirteen and  
9 eighteen years of age;

10 D. "teen court judge" means a judge, an attorney  
11 licensed to practice law in the state of New Mexico, a public  
12 official or another adult designated by the sponsor to preside  
13 during teen court proceedings; and

14 E. "teen jury" means no fewer than three teens  
15 chosen at random from volunteers in the community served by the  
16 teen court.

17 Section 3. PROGRAM CREATION.--An organization that wishes  
18 to sponsor a teen court program shall prepare program  
19 guidelines for approval by the director of the administrative  
20 office of the courts. All teen court programs shall follow  
21 approved guidelines and shall gather and report program data to  
22 the administrative office of the courts. The program  
23 guidelines shall include:

24 A. participating referring agencies;

25 B. target offender populations;

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1 C. how the program plans to provide information to  
2 potential participants and their parents or guardians to ensure  
3 that their decision to participate in the program is knowing  
4 and voluntary;

5 D. how the program plans to recruit community  
6 members to provide opportunities for community service as a  
7 part of the teen court program; and

8 E. how the program plans to ensure compliance with  
9 teen court decisions and how the program plans to gather and  
10 report program data.

11 Section 4. PROGRAM OPERATION AND EFFECT. --A teen accused  
12 of a minor offense who meets the eligibility requirements of  
13 Section 6 of the Teen Court Act may be referred to a teen court  
14 program in lieu of prosecution or payment of a penalty  
15 assessment. The teen must admit guilt of the offense in order  
16 to participate in teen court. Guilt or innocence shall not be  
17 determined by the teen court. The only issue before the teen  
18 court shall be an appropriate sentence assuming the teen  
19 committed the alleged offense. If the teen fails to  
20 successfully complete the teen court sentence, he may be  
21 prosecuted for the offense with no credit for time or effort  
22 expended in attempting to complete the teen court sentence.

23 Section 5. REFERRALS TO TEEN COURT. --The program  
24 guidelines shall identify the persons or agencies able to refer  
25 teens to a teen court program. Referral decisions shall be

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1 made by a judge, by an assistant district attorney, by a school  
2 or law enforcement supervisor or in accordance with referral  
3 guidelines adopted by the school, law enforcement agency or  
4 other referring entity identified in the program guidelines.

5 Section 6. REVIEW FOR ELIGIBILITY. --

6 A. The teen court program shall determine that the  
7 referred teen meets the following eligibility criteria:

8 (1) that the teen is accused of a minor  
9 offense;

10 (2) that the teen has not been referred to  
11 teen court for an offense in the two years preceding the date  
12 of the instant offense;

13 (3) that the teen signed an agreement waiving  
14 his right to speedy prosecution of the offense for which he  
15 admitted guilt and that he agreed to abide by the terms of the  
16 sentence imposed by the teen court; and

17 (4) that the teen court program obtained  
18 written consent from a parent or guardian of the teen or  
19 another entity who has legal custody of the teen.

20 B. Upon determining that a teen is ineligible for  
21 teen court, the teen court program shall return the referral to  
22 the referring agency.

23 C. The teen or the teen's consenting parent or  
24 guardian may withdraw consent for the teen's participation in  
25 the program at any time. The referring person or agency may

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1 not withdraw the referral.

2 Section 7. TEEN COURT PROCEEDINGS. --

3 A. A teen court judge shall preside over teen court  
4 proceedings. All other teen court participants, including  
5 jurors, prosecutors and defense counsel, shall be teens. The  
6 court proceedings shall be conducted as a sentencing hearing is  
7 conducted in a state court.

8 B. Upon completion of the hearing, the teen jury  
9 shall retire and determine an appropriate sentence for the  
10 case, taking into account the circumstances of the offense and  
11 the demeanor and background of the offender. The term of the  
12 sentence shall be no more than twelve months. The sentence may  
13 include restitution, community service, participation in law-  
14 related classes, participation in teen court, counseling,  
15 treatment or other terms considered appropriate by the teen  
16 jury.

17 C. The teen court judge shall impose the teen  
18 jury's proposed sentence, unless it is demonstrably  
19 inconsistent with the circumstances of the offense and the  
20 demeanor and background of the offender. Upon such a  
21 determination, the teen court judge may impose a different  
22 sentence.

23 D. Upon a teen's successful completion of a teen  
24 court sentence, the teen court program shall inform the  
25 referring person or agency. If at any time, the teen fails to

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1 comply with the terms of the teen court sentence, or withdraws  
2 his consent to participate in the program, the teen court  
3 program shall inform the referring person or agency.

4 Section 8. CONFIDENTIALITY OF TEEN COURT PROCEEDINGS. -- A  
5 teen's admission of guilt made in a teen court agreement,  
6 statements made by the teen during a teen court proceeding or  
7 facts concerning the teen's performance in the teen court  
8 program shall not be admitted against or used in any way  
9 against the teen if the offense is pursued in children's court,  
10 a school disciplinary proceeding or in any other forum by the  
11 referring agency.

12 Section 9. INSTRUCTIONAL TIME. -- A school that  
13 participates in a teen court program shall be permitted to  
14 credit the time of teachers and students spent participating in  
15 teen court as instructional time.

16 Section 10. ALLOCATION OF FUNDS--FEES. --

17 A. The administrative office of the courts shall:

18 (1) establish and consult with an advisory  
19 committee of no fewer than five persons familiar with teen  
20 court programs in administering those programs;

21 (2) if there is an appropriation for teen  
22 courts, prepare and disseminate application guidelines that set  
23 forth the requirements for teen court funding, any matching  
24 funds requirement and the criteria to be used in evaluating  
25 applications; and

1 (3) allocate funds from any appropriation to  
2 applying sponsors in an equitable fashion, taking into account  
3 the existence of an ongoing program, the number of participants  
4 involved in or anticipated in a program, demonstrated program  
5 success and equitable allocation of funds throughout the state.

6 B. Teen court programs may obtain funding from  
7 other sources, including a fee of not more than twenty dollars  
8 (\$20.00) from each participating teen offender. All programs  
9 shall obtain approval of their program guidelines from the  
10 administrative office of the courts, whether or not they obtain  
11 funding from a general fund appropriation.

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