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HOUSE BILL 268

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PATSY G. TRUJILLO

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING THE VICTIMS OF CRIME  
ACT; ADDING ARMED ROBBERY TO THE DEFINITION OF CRIMINAL OFFENSE;  
ADDING A CERTAIN AGENCY TO THOSE RESPONSIBLE FOR VICTIM  
NOTIFICATION.

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

Section 1. Section 31-26-3 NMSA 1978 (being Laws 1994,  
Chapter 144, Section 3) is amended to read:

"31-26-3. DEFINITIONS. -- As used in the Victims of Crime  
Act:

A. "court" means magistrate court, metropolitan  
court, children's court, district court, the court of appeals or  
the supreme court;

B. "criminal offense" means:

(1) negligent arson resulting in death or

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1       bodily injury, as provided in Subsection B of Section 30-17-5  
2       NMSA 1978;

3                       (2)   aggravated arson, as provided in Section  
4       30-17-6 NMSA 1978;

5                       (3)   aggravated assault, as provided in Section  
6       30-3-2 NMSA 1978;

7                       (4)   aggravated battery, as provided in Section  
8       30-3-5 NMSA 1978;

9                       (5)   dangerous use of explosives, as provided in  
10      Section 30-7-5 NMSA 1978;

11                      (6)   negligent use of a deadly weapon, as  
12      provided in Section 30-7-4 NMSA 1978;

13                      (7)   murder, as provided in Section 30-2-1 NMSA  
14      1978;

15                      (8)   voluntary manslaughter, as provided in  
16      Section 30-2-3 NMSA 1978;

17                      (9)   involuntary manslaughter, as provided in  
18      Section 30-2-3 NMSA 1978;

19                      (10)  [~~kidnaping~~] kidnapping, as provided in  
20      Section 30-4-1 NMSA 1978;

21                      (11)  criminal sexual penetration, as provided  
22      in Section 30-9-11 NMSA 1978;

23                      (12)  criminal sexual contact of a minor, as  
24      provided in Section 30-9-13 NMSA 1978;

25                      (13)  homicide by vehicle, as provided in

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1 Section 66-8-101 NMSA 1978;

2 (14) great bodily injury by vehicle, as  
3 provided in Section 66-8-101 NMSA 1978; [~~or~~]

4 (15) abandonment or abuse of a child, as  
5 provided in Section 30-6-1 NMSA 1978; or

6 (16) armed robbery, as provided in Section  
7 30-16-2 NMSA 1978;

8 C. "court proceeding" means a hearing, argument or  
9 other action scheduled by and held before a court;

10 D. "family member" means a spouse, child, sibling,  
11 parent or grandparent;

12 E. "formally charged" means the filing of an  
13 indictment, the filing of a criminal information pursuant to a  
14 bind-over order, the filing of a petition or the setting of a  
15 preliminary hearing;

16 F. "victim" means an individual against whom a  
17 criminal offense is committed. "Victim" also means a family  
18 member or a victim's representative when the individual against  
19 whom a criminal offense was committed is a minor, is incompetent  
20 or is a homicide victim; and

21 G. "victim's representative" means an individual  
22 designated by a victim or appointed by the court to act in the  
23 best interests of the victim."

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

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1 "31-26-11. PROCEDURES WHEN AN INMATE ESCAPES--CORRECTIONS  
2 DEPARTMENT--CHILDREN, YOUTH AND FAMILIES DEPARTMENT. --

3 A. The corrections department or the children, youth  
4 and families department shall immediately notify the sentencing  
5 judge, the district attorney of the judicial district from which  
6 the inmate was committed and the probation officer who authored  
7 the presentence report when an inmate:

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

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

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

18 Section 3. Section 31-26-12 NMSA 1978 (being Laws 1994,  
19 Chapter 144, Section 12) is amended to read:

20 "31-26-12. PROCEDURES WHEN AN INMATE IS RELEASED FROM  
21 INCARCERATION--ADULT PAROLE BOARD--CORRECTIONS DEPARTMENT--  
22 JUVENILE PAROLE BOARD--CHILDREN, YOUTH AND FAMILIES DEPARTMENT--  
23 DISTRICT ATTORNEYS. --

24 A. The adult parole board and the juvenile parole  
25 board shall provide a copy of [~~its~~] their respective regular

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**February 7, 1997**

**Mr. Speaker:**

**Your JUDICIARY COMMITTEE, to whom has been referred**

**HOUSE BILL 268**

**has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.**

**Respectfully submitted,**

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**Thomas P. Foy, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: King, Luna, Rios, Sanchez

Absent: None

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1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997

HB 268/a

3  
4 March 19, 1997

5  
6 Mr. President:

7  
8 Your JUDICIARY COMMITTEE, to whom has been referred

9 HOUSE BILL 268

10  
11 has had it under consideration and reports same with  
12 recommendation that it DO PASS, amended as follows:

13  
14 1. On page 1, line 13, strike "A CERTAIN AGENCY" and insert  
15 in lieu thereof "CERTAIN AGENCIES".

16  
17 2. On page 2, line 1, after "injury" insert "or arson".

18  
19 3. On page 2, line 1, strike "Subsection B of".

20  
21 4. On page 3, line 5, strike "or".

22  
23 5. On page 3, line 7, after the semicolon insert "or".

24  
25 6. On page 3, between lines 7 and 8, insert the following new  
paragraph:

"(17) stalking or aggravated stalking, as provided  
in the Harassment and Stalking Act;".

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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SJC/HB 268

Page 9

Respectfully submitted,

\_\_\_\_\_  
Fernando R. Macias, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Sanchez, Tsosie, Vernon

Absent: None

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