

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 19

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO CRIMINAL LAW; REVISING PROCEDURES REGARDING
PROVISION OF NOTICE TO CRIME VICTIMS; AMENDING SECTIONS OF THE
VICTIMS OF CRIME ACT.

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

Section 1. Section 31-26-9 NMSA 1978 (being Laws 1994,
Chapter 144, Section 9) is amended to read:

"31-26-9. PROCEDURES FOR PROVIDING VICTIMS WITH NOTICE OF
RIGHTS AND INFORMATION REGARDING PROSECUTION OF A CRIMINAL
OFFENSE- - DISTRICT ATTORNEYS- - ATTORNEY GENERAL'S OFFICE. - -

A. Within seven working days after a district
attorney or the attorney general's office files a formal charge
against the accused for a criminal offense, the district
attorney or the attorney general's office, when appropriate,

1 shall provide the victim of the criminal offense with:

2 (1) a copy of Article 2, Section 24 of the
3 constitution of New Mexico, regarding victims' rights;

4 (2) a copy of ~~[legislation]~~ Chapter 31,
5 Article 26 NMSA 1978 that implements the provisions of Article
6 2, Section 24 of the constitution of New Mexico;

7 (3) a copy of the charge filed against the
8 accused for the criminal offense;

9 (4) a clear and concise statement of the
10 procedural steps generally involved in prosecuting a criminal
11 offense; and

12 (5) the name of a person within the district
13 attorney's office whom the victim may contact for additional
14 information regarding prosecution of the criminal offense.

15 B. If requested by the victim, the district
16 attorney's office or the attorney general's office, when
17 appropriate, shall provide the victim with oral or written
18 notice, in a timely fashion, of a scheduled court proceeding
19 attendant to the criminal offense. "

20 Section 2. Section 31-26-10 NMSA 1978 (being Laws 1994,
21 Chapter 144, Section 10) is amended to read:

22 "31-26-10. PROCEDURES FOR PROVIDING VICTIMS WITH NOTICE
23 OF A COURT PROCEEDING-- COURTS-- DISTRICT ATTORNEYS-- ATTORNEY
24 GENERAL'S OFFICE. --A court shall provide a district attorney's
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1 office or the attorney general's office, when appropriate, with
 2 oral or written notice no later than seven working days prior
 3 to a scheduled court proceeding attendant to a criminal
 4 offense, unless a shorter notice period is reasonable under the
 5 circumstances. The district attorney's office or the attorney
 6 general's office, when appropriate, shall convey the
 7 information concerning the scheduled court proceeding to the
 8 victim, as provided in Subsection B of Section [~~9 of the~~
 9 ~~Victims of Crime Act]~~ 31-26-9 NMSA 1978. "

10 Section 3. Section 31-26-11 NMSA 1978 (being Laws 1994,
 11 Chapter 144, Section 11, as amended) is amended to read:

12 "31-26-11. PROCEDURES WHEN AN INMATE OR DELINQUENT CHILD
 13 ESCAPES--CORRECTIONS DEPARTMENT--CHILDREN, YOUTH AND FAMILIES
 14 DEPARTMENT--ADMINISTRATIVE OFFICE OF THE DISTRICT
 15 ATTORNEYS--DISTRICT ATTORNEYS--ATTORNEY GENERAL'S OFFICE. --

16 A. The corrections department or the children,
 17 youth and families department shall immediately notify the
 18 sentencing judge or the children's court judge, the [~~district~~
 19 ~~attorney of the judicial district from which the inmate or~~
 20 ~~delinquent child was committed]~~ administrative office of the
 21 district attorneys, the attorney general's office, when
 22 appropriate, and the probation officer who authored the
 23 presentence report when an inmate or delinquent child:

24 (1) escapes from a correctional facility or
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1 juvenile justice facility under the jurisdiction of the
2 corrections department or the children, youth and families
3 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 administrative office of the district
9 attorneys shall immediately notify the district attorney of the
10 judicial district from which the inmate or delinquent child was
11 committed. The district attorney or the attorney general's
12 office, when appropriate, shall immediately notify [any] a
13 person known to reside in his district who was a victim of the
14 criminal or delinquent offense for which the inmate or
15 delinquent child was committed. "

16 Section 4. Section 31-26-12 NMSA 1978 (being Laws 1994,
17 Chapter 144, Section 12, as amended) is amended to read:

18 "31-26-12. PROCEDURES WHEN AN INMATE IS RELEASED FROM
19 INCARCERATION-- ADULT PAROLE BOARD-- CORRECTIONS DEPARTMENT--
20 PROCEDURES WHEN A DELINQUENT CHILD IS RELEASED FROM CUSTODY--
21 JUVENILE PAROLE BOARD-- CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
22 - ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS-- DISTRICT
23 ATTORNEYS-- ATTORNEY GENERAL' S OFFICE. --

24 A. The adult parole board and the juvenile parole
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1 board shall provide a copy of their respective regular release
 2 dockets to [~~each district attorney in the state at least ten~~
 3 ~~working~~] the administrative office of the district attorneys or
 4 the attorney general's office, when appropriate, at least
 5 thirty calendar days before the docket is considered by the
 6 board. The administrative office of the district attorneys
 7 shall notify the district attorney of the judicial district
 8 from which the inmate or delinquent child was committed. The
 9 district attorney or the attorney general's office, when
 10 appropriate, shall notify [~~any~~] a person known to reside in his
 11 district who was a victim of the criminal offense for which the
 12 inmate was incarcerated or the delinquent child was committed.

13 B. The adult parole board [~~and~~] or the juvenile
 14 parole board shall provide a copy of a supplemental, addendum
 15 or special docket to [~~each district attorney at least five~~
 16 ~~working~~] the administrative office of the district attorneys
 17 or the attorney general's office, when appropriate, at least
 18 ten calendar days before the release docket is considered by
 19 the board.

20 C. Following consideration of a release docket by
 21 the adult parole board, the corrections department shall
 22 promptly notify the administrative office of the district
 23 attorneys or the attorney general's office, when appropriate,
 24 of any recommendations adopted by the board for release of an
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1 inmate from incarceration. The administrative office of the
2 district attorneys shall notify the district attorney of the
3 judicial district from which the inmate was committed. The
4 district attorney or the attorney general's office, when
5 appropriate, shall notify any person known to reside in his
6 district who was a victim of the criminal offense for which the
7 inmate was incarcerated.

8 [C.] D. Following consideration of a release docket
9 by [~~the adult parole board or~~] the juvenile parole board,
10 [~~each~~] the board shall promptly notify [~~each district attorney~~]
11 the administrative office of the district attorneys or the
12 attorney general's office, when appropriate, of [any]
13 recommendations adopted by the board for release of [an inmate
14 from incarceration or] a delinquent child from custody. The
15 administrative office of the district attorneys shall notify
16 the district attorney of the judicial district from which the
17 delinquent child was committed. The district attorney or the
18 attorney general's office, when appropriate, shall notify [~~any~~]
19 a person known to reside in his district who was a victim of
20 the criminal offense for which [~~the inmate was incarcerated or~~]
21 the delinquent child was committed.

22 [D.] E. In the case of an inmate scheduled to be
23 released from incarceration without parole or prior to parole
24 for any reason, or a delinquent child scheduled to be released
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1 from custody, the corrections department or the children, youth
 2 and families department shall notify ~~[each district attorney]~~
 3 the administrative office of the district attorneys or the
 4 attorney general's office, when appropriate, at least fifteen
 5 working days before the inmate's or delinquent child's release.
 6 The administrative office of the district attorneys shall
 7 notify the district attorney of the judicial district from
 8 which the inmate or the delinquent child was committed. The
 9 district attorney or the attorney general's office, when
 10 appropriate, shall notify ~~[any]~~ a person known to reside in his
 11 district who was a victim of the criminal offense for which the
 12 inmate was incarcerated or the delinquent child was committed."

13 Section 5. EFFECTIVE DATE. --The effective date of the
 14 provisions of this act is July 1, 2001.

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underscored material = new
 [bracketed material] = delete