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SENATE BILL 744

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

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO JUVENILES; PERMITTING OUT-OF-STATE DISPOSITION OF
ADJUDICATED JUVENILES IN CERTAIN CIRCUMSTANCES; MAKING AN
APPROPRIATION.

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

Section 1. A new Section 9-2A-8.1 NMSA 1978 is enacted
to read:

"9-2A-8.1. [NEW MATERIAL] LIMITED OUT-OF-STATE
DISPOSITION OF ADJUDICATED JUVENILES. --In situations where
special programs exist out of state that the juvenile court
determines would be beneficial to the rehabilitation of
juvenile offenders that do not exist in state, the department
shall, in consultation with representatives of the
administrative office of the courts, establish rules for
appropriate out-of-state disposition of such adjudicated

. 135906. 1

underscored material = new
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1 juvenile offenders. Rules shall require that:

2 A. an eligible juvenile have a sentence of no less
3 than two years;

4 B. an eligible juvenile be determined to be a
5 minimum security risk;

6 C. an eligible juvenile not be convicted of a sex
7 offense;

8 D. the facility to which the juvenile is sent
9 would be considered a minimum security facility; and

10 E. the facility to which the juvenile would be
11 sent does not employ psychotropic drugs in caring for
12 juveniles in its custody. "

13 Section 2. APPROPRIATION. -- One million dollars
14 (\$1,000,000) is appropriated from the general fund to the
15 children, youth and families department for expenditure in
16 fiscal year 2002 for the purpose of supporting special out-of-
17 state disposition of adjudicated juvenile offenders. Funds
18 from this appropriation shall only be expended after agreement
19 between the department and the sentencing court that the
20 adjudicated juvenile offender to be placed out of state meets
21 standards adopted by the department. Any unexpended or
22 unencumbered balance remaining at the end of fiscal year 2002
23 shall revert to the general fund.