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**SENATE BILL 25**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**Mary Kay Papen**

**AN ACT**

**RELATING TO JUVENILES; CREATING A PILOT PROGRAM IN THE THIRD  
JUDICIAL DISTRICT; AUTHORIZING ALTERNATIVE DISPOSITIONS FOR  
ADJUDICATED DELINQUENT OFFENDERS AND YOUTHFUL OFFENDERS  
SUBJECT TO JUVENILE SANCTIONS; ENACTING A NEW SECTION OF THE  
DELINQUENCY ACT; MAKING AN APPROPRIATION.**

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

**Section 1. A new section of the Delinquency Act is  
enacted to read:**

**"NEW MATERIAL ALTERNATIVE DISPOSITIONS PILOT PROGRAM  
CREATED- - THIRD JUDICIAL DISTRICT- - ALTERNATIVE DISPOSITIONS FOR  
ADJUDICATED DELINQUENT OFFENDERS AND YOUTHFUL OFFENDERS  
SUBJECT TO JUVENILE SANCTIONS. - -**

**A. The "alternative dispositions pilot program" is  
created in the third judicial district. The purpose of the**

underscored material = new  
[bracketed material] = delete

1 program is to provide children's court judges in the third  
2 judicial district an opportunity to order an alternative  
3 disposition for a child in instances when the department does  
4 not offer sufficient services or programs for that child.

5 B. When a children's court judge in the third  
6 judicial district orders an alternative disposition, he shall  
7 place the child on probation and, as a condition of probation,  
8 place the child in a long-term facility for the care and  
9 rehabilitation of adjudicated delinquent children. The  
10 facility may be located in state or out of state. The  
11 placement shall be for a term of not less than eighteen months  
12 and not more than two years.

13 C. Children eligible for participation in the  
14 alternative dispositions pilot program shall:

15 (1) be adjudicated as a delinquent offender  
16 or as a youthful offender subject to juvenile sanctions;

17 (2) at the time of adjudication, be fifteen  
18 to eighteen years of age; and

19 (3) not be engaged in a course of treatment  
20 that includes the use of psychotropic medications.

21 D. A child is not eligible for participation in  
22 the alternative dispositions pilot program if he is  
23 adjudicated for:

24 (1) arson or negligent arson, as provided in  
25 Section 30-17-5 NMSA 1978;

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

3 (3) a second or subsequent offense of  
4 criminal sexual penetration, as provided in Section 30-9-11  
5 NMSA 1978. "

6 Section 2. APPROPRIATION. -- Five hundred thousand dollars  
7 (\$500,000) is appropriated from the general fund to the third  
8 judicial district for expenditure in fiscal year 2003 for the  
9 purpose of operating an alternative dispositions pilot program  
10 in that judicial district. Any unexpended or unencumbered  
11 balance remaining at the end of fiscal year 2003 shall revert  
12 to the general fund.

13 Section 3. EFFECTIVE DATE. -- The effective date of the  
14 provisions of this act is July 1, 2002.

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