

1 AN ACT
2 RELATING TO CRIMINAL SENTENCING; PROVIDING THE PAROLE BOARD
3 WITH EXPRESS AUTHORITY TO REFER CERTAIN PAROLE VIOLATORS TO
4 ALCOHOL OR DRUG TREATMENT PROGRAMS AS A NEW CONDITION OF
5 PAROLE.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 31-21-14 NMSA 1978 (being Laws
9 1955, Chapter 232, Section 17, as amended) is amended to
10 read:

11 "31-21-14. RETURN OF PAROLE VIOLATOR. --

12 A. At any time during a prisoner's release on
13 parole, the board or the director may issue a warrant for
14 the arrest of the released prisoner for violation of the
15 conditions of release or issue a notice to appear to answer
16 a charge of violation. The notice shall be served
17 personally upon the prisoner. The warrant shall authorize
18 the warden of the institution from which the prisoner was
19 released to return the prisoner to the actual custody of the
20 institution or to any other suitable detention facility
21 designated by the board or the director. If the prisoner is
22 out of the state, the warrant shall authorize the warden to
23 return him to the state.

24 B. The director may arrest the prisoner without
25 a warrant or may deputize an officer with power of arrest to

1 do so by giving him a written statement setting forth that
2 the prisoner has, in the judgment of the director, violated
3 the conditions of his release. When an arrest is made
4 without a warrant, the prisoner shall not be returned to the
5 institution unless authorized by the director or the board.
6 Pending hearing as provided by law upon a charge of
7 violation, the prisoner shall remain incarcerated in the
8 institution.

9 C. Upon arrest and detention, the board shall
10 cause the prisoner to be promptly brought before it for a
11 parole revocation hearing on the parole violation charged,
12 under rules and regulations the board may adopt. If
13 violation is established, the board may continue or revoke
14 the parole or enter any other order as it sees fit. If the
15 board determines that the prisoner violated a condition of
16 his release regarding use of alcohol or drugs, the board may
17 refer the prisoner to an alcohol or drug treatment program
18 as a new condition of his release on parole.

19 D. A prisoner for whose return a warrant has
20 been issued shall, if it is found that the warrant cannot be
21 served, be a fugitive from justice. If it appears that he
22 has violated the provisions of his release, the board shall
23 determine whether the time from the date of the violation to
24 the date of his arrest, or any part of it, shall be counted
25 as time served under the sentence. "

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Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2003. SB 313
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