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HOUSE BILL 187

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO THE DELINQUENCY ACT; REQUIRING A HEARING TO DETERMINE WHETHER A CHILD ON SUPERVISED RELEASE AND DEEMED TO BE A FUGITIVE FROM JUSTICE SHALL BE GIVEN CREDIT FOR TIME SERVED ON SUPERVISED RELEASE FROM THE TIME OF VIOLATION TO THE TIME OF ARREST ON THE WARRANT.

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

SECTION 1. Section 32A-2-25 NMSA 1978 (being Laws 1993, Chapter 77, Section 54, as amended) is amended to read:

"32A-2-25. [~~PAROLE~~] SUPERVISED RELEASE REVOCATION--
PROCEDURES.--

A. A child on [~~parole from an agency that has legal custody~~] supervised release who violates a term of [~~parole supervised release~~] supervised release may be proceeded against in a [~~parole revocation~~] supervised release proceeding conducted by the

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1 department or the supervising agency or by a hearing officer
2 contracted by the department who is neutral to the child and
3 the agency in accordance with procedures established by the
4 department in cooperation with the juvenile [~~parole board~~]
5 public safety advisory board and any other person designated by
6 the department.

7 B. A juvenile probation [~~and parole~~] officer may
8 detain a child on [~~parole~~] supervised release status who is
9 alleged to have violated a term or condition of [~~parole~~]
10 supervised release until the completion and review of a
11 preliminary [~~parole~~] supervised release revocation hearing. A
12 child may waive the right to a preliminary [~~parole~~] supervised
13 release revocation hearing after consultation with the child's
14 attorney, parent, guardian or custodian.

15 [~~B.~~] C. If a retake warrant is issued by the
16 department upon the completion of the preliminary [~~parole~~]
17 supervised release revocation hearing, the juvenile
18 [~~institution~~] facility to which the warrant is issued shall
19 promptly transport the child to that [~~institution~~] facility at
20 the expense of the department.

21 D. If it is found that a retake warrant issued
22 pursuant to Subsection C of this section cannot be served, the
23 child shall be deemed a fugitive from justice. Upon return, a
24 hearing shall be held to determine whether any credit shall be
25 given for time served on supervised release from the date of

1 violation to the date of arrest on the warrant. The supervised
2 release term is tolled during the pendency of a proceeding to
3 determine credit for time served pursuant to this subsection.

4 E. If a child absconds from [~~parole supervision~~]
5 supervised release and is apprehended in another state after
6 the issuance of a retake warrant [~~by the department~~], the
7 juvenile justice division of the department shall cause the
8 return of the child to this state at the expense of the
9 department."

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