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HOUSE BILL 197

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO THE DELINQUENCY ACT; REPLACING TERMS REFERENCING PAROLE WITH THOSE REFERENCING SUPERVISED RELEASE; ALLOWING A CHILDREN'S COURT ATTORNEY TO FILE A PETITION ALLEGING THAT A CHILD HAS WILLFULLY ABSCONDED FROM SUPERVISED RELEASE; ALLOWING THE COURT TO EXTEND THE COMMITMENT OF A CHILD; ALLOWING FOR THE TOLLING OF THE SUPERVISED RELEASE PERIOD UPON THE ISSUANCE OF A RETAKE 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 REVOCATION--PROCEDURES.--

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

underscored material = new
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1 ~~revocation]~~ supervised release proceeding conducted by the
2 department [~~or the supervising agency]~~ or by a hearing officer
3 contracted by the department [~~who is neutral to the child and~~
4 ~~the agency]~~ in accordance with procedures established by the
5 department in cooperation with the juvenile [~~parole]~~ public
6 safety advisory board and any other person designated by the
7 department. If a child willfully absconds from supervised
8 release, the children's court attorney may file a petition
9 pursuant to Subsection E of this section.

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

18 [~~B.~~] C. If a retake warrant is issued by the
19 department upon the completion of the preliminary [~~parole]~~
20 supervised release revocation hearing, the juvenile
21 [~~institution]~~ facility to which the warrant is issued shall
22 promptly transport the child to that [~~institution]~~ facility at
23 the expense of the department. If a child absconds from
24 [~~parole supervision]~~ supervised release and is apprehended in
25 another state after the issuance of a retake warrant [~~by the~~

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1 ~~department~~], the juvenile justice division of the department
2 shall cause the return of the child to this state at the
3 expense of the department.

4 D. The issuance of a retake warrant, on the basis
5 that the child has absconded from supervised release, shall
6 toll the supervised release period.

7 E. The children's court attorney may file a
8 petition alleging that a child has willfully absconded from
9 supervised release. If the court finds that the child
10 willfully absconded from supervised release and that it is
11 necessary to safeguard the welfare of the child or the public's
12 safety, the court may extend the child's commitment for up to
13 one six-month period on a short-term commitment and up to one
14 year on a long-term commitment until the child reaches the age
15 of twenty-one. The petition shall be filed in the district
16 where the child was initially committed."