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SENATE BILL 660

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

INTRODUCED BY

Linda M. Lopez and David M. Gallegos

AN ACT

RELATING TO DOMESTIC VIOLENCE; PROVIDING FOR PERMANENT NO CONTACT ORDERS AS A CONDITION OF PROBATION OR PAROLE; ALLOWING FOR A PROTECTED PARTY TO APPEAR TELEPHONICALLY AT HEARINGS OR TO BE REPRESENTED AT HEARINGS WITHOUT BEING PRESENT.

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

SECTION 1. A new section of the Probation and Parole Act is enacted to read:

"[NEW MATERIAL] PERMANENT NO CONTACT ORDER.--

A. A court or the board may, as a condition of probation or parole, impose a permanent no contact order on a probationer or a parolee when the crime for which the probationer or the parolee has been convicted was a crime of domestic abuse as defined in the Family Violence Protection Act.

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1 B. The permanent no contact order may last for any
2 length of time, including for the lifetime of the probationer
3 or the parolee.

4 C. A victim of domestic abuse as defined in the
5 Family Violence Protection Act may petition a court or the
6 board for a permanent no contact order for a probationer or
7 parolee who has been granted probation or parole as of July 1,
8 2015."

9 **SECTION 2.** A new section of the Probation and Parole Act
10 is enacted to read:

11 "[NEW MATERIAL] TELEPHONIC APPEARANCE BY A VICTIM.--For a
12 victim of a crime of domestic abuse as defined in the Family
13 Violence Protection Act, a court or the board may allow:

14 A. the victim to appear telephonically at any
15 hearing concerning probation or parole for the person convicted
16 of the crime; or

17 B. another person to appear on the victim's behalf
18 at a hearing concerning probation or parole for the person
19 convicted of the crime, without the victim appearing at the
20 hearing."

21 **SECTION 3.** Section 31-21-25 NMSA 1978 (being Laws 1975,
22 Chapter 194, Section 4, as amended) is amended to read:

23 "31-21-25. POWERS AND DUTIES OF THE BOARD.--

24 A. The parole board shall have the powers and
25 duties of the former state board of probation and parole

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1 pursuant to Sections 31-21-6 and 31-21-10 through 31-21-17 NMSA
2 1978 and such additional powers and duties relating to the
3 parole of adults as are enumerated in this section.

4 B. The parole board shall have the following powers
5 and duties to:

6 (1) grant, deny or revoke parole;

7 (2) conduct or cause to be conducted such
8 investigations, examinations, interviews, hearings and other
9 proceedings as may be necessary for the effectual discharge of
10 the duties of the board;

11 (3) summon witnesses, books, papers, reports,
12 documents or tangible things and administer oaths as may be
13 necessary for the effectual discharge of the duties of the
14 board;

15 (4) maintain records of its acts, decisions
16 and orders and notify each corrections facility of its
17 decisions relating to persons who are or have been confined
18 therein;

19 (5) adopt an official seal of which the courts
20 shall take judicial notice;

21 (6) employ such officers, agents, assistants
22 and other employees as may be necessary for the effectual
23 discharge of the duties of the board;

24 (7) contract for services, supplies,
25 equipment, office space and such other provisions as may be

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1 necessary for the effectual discharge of the duties of the
2 board; and

3 (8) adopt such rules and regulations as may be
4 necessary for the effectual discharge of the duties of the
5 board.

6 C. The parole board shall provide a prisoner or
7 parolee with a written statement of the reason or reasons for
8 denying or revoking parole.

9 D. The parole board shall adopt a written policy
10 specifying the criteria to be considered by the board in
11 determining whether to grant, deny or revoke parole or to
12 discharge a parolee.

13 E. When the parole board conducts a parole hearing
14 for an offender, and upon request of the victim or family
15 member, the board shall allow the victim of the offender's
16 crime or a family member of the victim to be present during the
17 parole hearing. If the victim or a family member of the victim
18 requests an opportunity to speak to the board during the
19 hearing in public or private, the board shall grant that
20 request. The victim may appear at the hearing telephonically.
21 As used in this subsection, "family member of the victim" means
22 a mother, father, sister, brother, child or spouse of the
23 victim or a person who has custody of the victim."

24 **SECTION 4. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2015.

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