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HOUSE BILL 16

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

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
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~~] SUPERVISED RELEASE--
PROCEDURES.--

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

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

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

20 [~~B.~~] C. If a retake warrant is issued by the
21 department upon the completion of the preliminary [~~parole~~]
22 supervised release revocation hearing, or in the case of a
23 waiver, the juvenile [~~institution~~] facility to which the
24 warrant is issued shall promptly transport the child to that
25 [~~institution~~] facility at the expense of the department. If a

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1 child absconds from [~~parole supervision~~] supervised release and
2 is apprehended in another state after the issuance of a
3 [~~retake~~] warrant by the [~~department~~] district court, the
4 juvenile justice division of the department [~~shall~~] may cause
5 the return of the child to this state at the expense of the
6 department.

7 D. The issuance of a warrant upon an allegation
8 that the child has absconded from supervised release shall toll
9 the supervised release period. After a hearing upon return, if
10 the court finds the child absconded from supervised release,
11 the time from the date of the violation to the date of the
12 child's arrest shall not be counted as time served on
13 supervised release.

14 E. The children's court attorney may file a
15 petition alleging that a child has willfully absconded from
16 supervised release. If the court finds that the child
17 willfully absconded from supervised release and that it is
18 necessary to safeguard the welfare of the child or the public's
19 safety, the court may extend the child's commitment not to
20 exceed six months on a short-term commitment, not to exceed one
21 year on a long-term commitment or until the child reaches the
22 age of twenty-one. Extension of the child's commitment under
23 this subsection shall follow the procedures to extend a child's
24 commitment in Section 32A-2-23 NMSA 1978. The petition shall
25 be filed in the district where the child was initially

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