

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

AN ACT

RELATING TO CORRECTIONS; CREATING A NEW CRIME KNOWN AS  
UNAUTHORIZED ABSENCE OR WALKING AWAY FROM AN INMATE-RELEASE  
PROGRAM; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 33-2-46 NMSA 1978 (being Laws 1969,  
Chapter 166, Section 4, as amended) is amended to read:

"33-2-46. INMATE-RELEASE PROGRAM--ESCAPE--UNAUTHORIZED  
ABSENCE OR WALKING AWAY FROM AN INMATE-RELEASE PROGRAM.--

A. Any prisoner whose limits of confinement have  
been extended or who has been granted a visitation privilege  
under the inmate-release program who willfully fails to  
return to the designated place of confinement within the time  
prescribed with the intent not to return is guilty of an  
escape.

B. Any prisoner whose limits of confinement have

1 been extended or who has been granted a visitation privilege  
2 under the inmate-release program who willfully and without  
3 authorization fails to report to or walks away from an  
4 approved inmate-release program location is guilty of  
5 unauthorized absence or walking away from an inmate-release  
6 program.

7 C. Whoever is convicted of an escape [~~under~~]  
8 pursuant to the provisions of Subsection A of this section is  
9 guilty of a third degree felony and shall be sentenced  
10 pursuant to the provisions of Section 31-18-15 NMSA 1978.

11 D. Whoever is convicted of unauthorized absence or  
12 walking away from an inmate-release program is guilty of a  
13 fourth degree felony and shall be sentenced pursuant to the  
14 provisions of Section 31-18-15 NMSA 1978."

15 Section 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2000.