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HOUSE BILL 286

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Ron Godbey

AN ACT

RELATING TO CORRECTIONS; REVISING THE ELEMENTS OF THE CRIMINAL  
OFFENSE KNOWN AS ESCAPE FROM PENITENTIARY; CREATING A NEW  
CRIMINAL OFFENSE KNOWN AS UNAUTHORIZED ABSENCE OR WALKING AWAY  
FROM AN INMATE-RELEASE PROGRAM; PRESCRIBING PENALTIES; AMENDING  
SECTIONS OF THE NMSA 1978.

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

Section 1. Section 30-22-9 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 22-9) is amended to read:

"30-22-9. ESCAPE FROM PENITENTIARY. -- Escape from  
penitentiary consists of [~~any~~] a person who [~~shall have~~] has  
been lawfully committed to the state penitentiary:

A. escaping or attempting to escape from [~~such~~] the  
penitentiary; [~~or~~]

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1 B. escaping or attempting to escape from any other  
2 lawful place of custody or confinement, [~~and~~] although not  
3 actually within the confines of the penitentiary; or

4 C. willfully failing to appear in person as  
5 directed by corrections department personnel when the person  
6 has been released early from custody or confinement to  
7 participate in a community corrections program as provided in  
8 Section 33-9-5 NMSA 1978 or an intensive supervision program as  
9 provided in Section 31-21-13.1 NMSA 1978, and the term of  
10 incarceration specified in the person's judgment and sentence  
11 or commitment has not yet expired.

12 D. Whoever commits escape from penitentiary is  
13 guilty of a second degree felony."

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

16 "33-2-46. INMATE-RELEASE PROGRAM - ESCAPE- - UNAUTHORIZED  
17 ABSENCE OR WALKING AWAY FROM AN INMATE-RELEASE PROGRAM - -

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

24 B. A prisoner whose limits of confinement have been  
25 extended or who has been granted a visitation privilege under

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1 the inmate-release program who willfully and without  
2 authorization fails to report to or walks away from an approved  
3 inmate-release program location is guilty of unauthorized  
4 absence or walking away from an inmate-release program.

5 C. Whoever is convicted of an escape under the  
6 provisions of this section is guilty of a third degree felony  
7 and shall be sentenced pursuant to the provisions of Section  
8 31-18-15 NMSA 1978.

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

13 Section 3. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2001.

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