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HOUSE BILL 500

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

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING THAT THE ADULT PAROLE BOARD SHALL ALLOW A VICTIM OF AN OFFENDER' S CRIME OR A FAMILY MEMBER OF THE VICTIM TO BE PRESENT DURING THE OFFENDER' S PAROLE HEARING; PROVIDING THE VICTIM OR A FAMILY MEMBER OF THE VICTIM WITH AN OPPORTUNITY TO SPEAK TO THE PAROLE BOARD DURING THE HEARING; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 31-21-25 NMSA 1978 (being Laws 1975, Chapter 194, Section 4, as amended) is amended to read:

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

A. The parole board shall have the powers and duties of the former state board of probation and parole pursuant to Sections 31-21-6 and 31-21-10 through 31-21-17 NMSA 1978 and such additional powers and duties relating to

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1 the parole of adults as are [~~hereinafter~~] enumerated in this
2 section.

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

5 (1) grant, deny or revoke parole;

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

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

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

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

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

23 (7) contract for services, supplies,
24 equipment, office space and such other provisions as may be
25 necessary for the effectual discharge of the duties of the

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1 board; and

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

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

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

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

21 Section 2. EFFECTIVE DATE. -- The effective date of the
22 provisions of this act is July 1, 2001.

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