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SENATE BILL 19

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

INTRODUCED BY

Nancy E. Rodriguez

AN ACT

RELATING TO CRIMINAL LAW; REVISING PROCEDURES REGARDING
PROVISION OF NOTICE TO CRIME VICTIMS; AMENDING SECTIONS OF THE
VICTIMS OF CRIME ACT.

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

Section 1. Section 31-26-10 NMSA 1978 (being Laws 1994,
Chapter 144, Section 10) is amended to read:

"31-26-10. PROCEDURES FOR PROVIDING VICTIMS WITH NOTICE
OF A COURT PROCEEDING-- COURTS-- DISTRICT ATTORNEYS-- ATTORNEY
GENERAL'S OFFICE. --A court shall provide a district attorney's
office or the attorney general's office with oral or written
notice no later than seven working days prior to a scheduled
court proceeding attendant to a criminal offense, unless a
shorter notice period is reasonable under the circumstances.
The district attorney's office or the attorney general's

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1 office shall convey the information concerning the scheduled
2 court proceeding to the victim, as provided in Subsection B of
3 Section [~~9 of the Victims of Crime Act~~] 31-26-9 NMSA 1978. "

4 Section 2. Section 31-26-11 NMSA 1978 (being Laws 1994,
5 Chapter 144, Section 11, as amended) is amended to read:

6 "31-26-11. PROCEDURES WHEN AN INMATE OR DELINQUENT CHILD
7 ESCAPES-- CORRECTIONS DEPARTMENT-- CHILDREN, YOUTH AND FAMILIES
8 DEPARTMENT-- ADMINISTRATIVE OFFICE OF THE DISTRICT
9 ATTORNEYS-- DISTRICT ATTORNEYS. --

10 A. The corrections department or the children,
11 youth and families department shall immediately notify the
12 sentencing judge or the children's court judge, the [~~district~~
13 ~~attorney of the judicial district from which the inmate or~~
14 ~~delinquent child was committed~~] administrative office of the
15 district attorneys and the probation officer who authored the
16 presentence report when an inmate or delinquent child:

17 (1) escapes from a correctional facility or
18 juvenile justice facility under the jurisdiction of the
19 corrections department or the children, youth and families
20 department; or

21 (2) convicted in New Mexico of a capital,
22 first degree or second degree felony and transferred to a
23 facility under the jurisdiction of another state escapes from
24 that facility.

25 B. The administrative office of the district

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1 attorneys shall immediately notify the district attorney of
2 the judicial district from which the inmate or delinquent
3 child was committed. The district attorney shall immediately
4 notify [any] a person known to reside in his district who was
5 a victim of the criminal or delinquent offense for which the
6 inmate or delinquent child was committed. "

7 Section 3. Section 31-26-12 NMSA 1978 (being Laws 1994,
8 Chapter 144, Section 12, as amended) is amended to read:

9 "31-26-12. PROCEDURES WHEN AN INMATE IS RELEASED FROM
10 INCARCERATION-- ADULT PAROLE BOARD-- CORRECTIONS DEPARTMENT--
11 PROCEDURES WHEN A DELINQUENT CHILD IS RELEASED FROM CUSTODY--
12 JUVENILE PAROLE BOARD-- CHILDREN, YOUTH AND FAMILIES
13 DEPARTMENT-- ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS--
14 DISTRICT ATTORNEYS. --

15 A. The adult parole board and the juvenile parole
16 board shall provide a copy of their respective regular release
17 dockets to [~~each district attorney in the state at least ten~~
18 ~~working]~~ the administrative office of the district attorneys
19 at least thirty calendar days before the docket is considered
20 by the board. The administrative office of the district
21 attorneys shall notify the district attorney of the judicial
22 district from which the inmate or delinquent child was
23 committed. The district attorney shall notify [any] a person
24 known to reside in his district who was a victim of the
25 criminal offense for which the inmate was incarcerated or the

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1 delinquent child was committed.

2 B. The adult parole board [~~and~~] or the juvenile
3 parole board shall provide a copy of a supplemental, addendum
4 or special docket to [~~each district attorney at least five~~
5 ~~working~~] the administrative office of the district attorneys
6 at least ten calendar days before the release docket is
7 considered by the board.

8 C. Following consideration of a release docket by
9 the adult parole board, the corrections department shall
10 promptly notify the administrative office of the district
11 attorneys of any recommendations adopted by the board for
12 release of an inmate from incarceration. The administrative
13 office of the district attorneys shall notify the district
14 attorney of the judicial district from which the inmate was
15 committed. The district attorney shall notify any person
16 known to reside in his district who was a victim of the
17 criminal offense for which the inmate was incarcerated.

18 [~~C.~~] D. Following consideration of a release
19 docket by [~~the adult parole board or~~] the juvenile parole
20 board, [~~each~~] the board shall promptly notify [~~each district~~
21 ~~attorney~~] the administrative office of the district attorneys
22 of [~~any~~] recommendations adopted by the board for release of
23 [~~an inmate from incarceration or~~] a delinquent child from
24 custody. The administrative office of the district attorneys
25 shall notify the district attorney of the judicial district

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1 from which the delinquent child was committed. The district
2 attorney shall notify [~~any~~] a person known to reside in his
3 district who was a victim of the criminal offense for which
4 [~~the inmate was incarcerated or~~] the delinquent child was
5 committed.

6 [~~D.~~] E. In the case of an inmate scheduled to be
7 released from incarceration without parole or prior to parole
8 for any reason, or a delinquent child scheduled to be released
9 from custody, the corrections department or the children,
10 youth and families department shall notify [~~each district~~
11 ~~attorney~~] the administrative office of the district attorneys
12 at least fifteen working days before the inmate's or
13 delinquent child's release. The administrative office of the
14 district attorneys shall notify the district attorney of the
15 judicial district from which the inmate or the delinquent
16 child was committed. The district attorney shall notify [~~any~~]
17 a person known to reside in his district who was a victim of
18 the criminal offense for which the inmate was incarcerated or
19 the delinquent child was committed. "

20 Section 4. EFFECTIVE DATE. -- The effective date of the
21 provisions of this act is July 1, 2001.