

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 187

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO THE DELINQUENCY ACT; REQUIRING A HEARING TO
DETERMINE WHETHER A CHILD ON SUPERVISED RELEASE AND DEEMED TO
BE A FUGITIVE FROM JUSTICE SHALL BE GIVEN CREDIT FOR TIME
SERVED ON SUPERVISED RELEASE FROM THE TIME OF VIOLATION TO THE
TIME OF ARREST ON THE 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~~] SUPERVISED RELEASE REVOCATION--
PROCEDURES.--

A. A child on [~~parole from an agency that has legal
custody~~] supervised release who violates a term or terms of
parole may be proceeded against in a [~~parole revocation~~]
supervised release proceeding conducted by the department or

.196494.1

underscoring material = new
[bracketed material] = delete

1 the supervising agency from which the child was released or by
2 a hearing officer contracted by the department who is neutral
3 to the child and the agency in accordance with procedures
4 established by the department in cooperation with the juvenile
5 ~~[parole board]~~ public safety advisory board and any other
6 person designated by the department.

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

15 ~~[B.]~~ C. If a retake warrant is issued by the
16 department upon the completion of the preliminary parole
17 revocation hearing, the juvenile ~~[institution]~~ facility to
18 which the warrant is issued shall promptly transport the child
19 to that ~~[institution]~~ facility at the expense of the
20 department.

21 D. If it is found that a retake warrant issued
22 pursuant to Subsection C of this section cannot be served, the
23 child is deemed a fugitive from justice. Upon return of the
24 child, the department, in accordance with the juvenile public
25 safety advisory board, shall conduct a hearing to determine

1 whether credit shall be given for any time served on supervised
2 release from the date of violation to the date of arrest on the
3 warrant. During the pendency of the warrant, the supervised
4 release term is tolled. Pending a hearing as provided by law
5 upon any charge of violation, the child shall remain in the
6 custody of the facility from which the child was released.

7 E. If a child absconds from [~~parole supervision~~]
8 supervised release and is apprehended in another state after
9 the issuance of a retake warrant [~~by the department~~], the
10 juvenile justice division of the department shall cause the
11 return of the child to this state at the expense of the
12 department."

13 - 3 -
14
15
16
17
18
19
20
21
22
23
24
25

underscoring material = new
[bracketed material] = delete