

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
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 WHO HAS ABSCONDED FROM SUPERVISED
RELEASE SHALL BE GIVEN CREDIT FOR TIME SERVED ON SUPERVISED
RELEASE FROM THE TIME OF THE ATTEMPTED SERVICE OF THE DISTRICT
COURT WARRANT 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~~] supervised release may be proceeded against in a
[~~parole revocation~~] supervised release proceeding conducted by

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

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

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

22 D. If a child has absconded from supervised
23 release, the supervised release term shall be tolled from the
24 time of attempted service of a district court warrant to the
25 child's arrest. Upon return of the child, the department, in

1 accordance with the juvenile public safety advisory board,
2 shall conduct a hearing to determine whether credit shall be
3 given for any of the time tolled.

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

underscoring material = new
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