

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 805

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

DON KIDD

AN ACT

RELATING TO CRIMINAL JUSTICE; MERGING THE PAROLE BOARD AND THE
JUVENILE PAROLE BOARD; AMENDING, REPEALING AND ENACTING SECTIONS
OF THE NMSA 1978.

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

Section 1. Section 9-3-11 NMSA 1978 (being Laws 1977,
Chapter 257, Section 12) is amended to read:

"9-3-11. ADMINISTRATIVE ATTACHMENT. --

A. The following entities are administratively
attached to the corrections department:

- (1) the ~~adult~~ parole board;
- (2) the governor's organized crime prevention
commission; and
- (3) the public defender department.

B. All powers and duties vested in the entities

Underscored material = new
[bracketed material] = delete

1 enumerated in this section shall remain unamended by the
2 provisions of the [~~Criminal Justice~~] Corrections Department
3 Act. "

4 Section 2. Section 31-21-22 NMSA 1978 (being Laws 1975,
5 Chapter 194, Section 1) is amended to read:

6 "31-21-22. SHORT TITLE. -- Sections [~~1 through 5 of this~~
7 ~~act~~] 31-21-22 through 31-21-26 NMSA 1978 may be cited as the
8 "Parole Board Act". "

9 Section 3. Section 31-21-23 NMSA 1978 (being Laws 1975,
10 Chapter 194, Section 2) is amended to read:

11 "31-21-23. PURPOSE. -- The purpose of the Parole Board Act
12 is to create a full-time professional, salaried parole board to
13 carry out adult and child parole duties. "

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

16 "31-21-25. POWERS AND DUTIES OF THE BOARD. --

17 A. The board shall have the powers and duties of the
18 former state board of probation and parole pursuant to Sections
19 31-21-6 and 31-21-10 through 31-21-17 NMSA 1978 and the former
20 juvenile parole board pursuant to the Children's Code and [~~such~~]
21 additional powers and duties relating to [~~the~~] parole [~~of~~
22 ~~adults~~] as are [~~hereinafter~~] enumerated in the Parole Board Act.

23 B. The board shall have the following powers and
24 duties to:

25 (1) grant, deny or revoke parole;

Underscored material = new
[bracketed material] = delete

1 (2) conduct or cause to be conducted [~~such~~]
2 investigations, examinations, interviews, hearings and other
3 proceedings as may be necessary for the effectual discharge of
4 the duties of the board;

5 (3) summon witnesses, books, papers, reports,
6 documents or tangible things and administer oaths as may be
7 necessary for the effectual discharge of the duties of the
8 board;

9 (4) maintain records of its acts, decisions and
10 orders and notify each corrections facility of its decisions
11 relating to persons who are or have been confined therein and
12 notify any agency affected by its decision;

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

15 (6) employ [~~such~~] officers, agents, assistants
16 and other employees as may be necessary for the effectual
17 discharge of the duties of the board;

18 (7) contract for services, supplies, equipment,
19 office space and [~~such~~] other provisions as may be necessary for
20 the effectual discharge of the duties of the board; and

21 (8) adopt [~~such~~] rules and regulations as may
22 be necessary for the effectual discharge of the duties of the
23 board.

24 C. The board shall provide a prisoner or parolee
25 with a written statement of the reason or reasons for denying or

Underscored material = new
[bracketed material] = delete

1 revoking parole.

2 D. The board shall adopt a written policy specifying
3 the criteria to be considered by the board in determining
4 whether to grant, deny or revoke parole or to discharge a
5 parolee.

6 E. At least thirty days before ordering parole of a
7 child, the board shall notify the children's court judge of the
8 judicial district from which legal custody of the child was
9 transferred. The judge may express his views on the child's
10 prospective parole, either in writing or personally, to the
11 board, but the final parole decision shall be that of the board.
12 A copy of the final parole decision shall be filed with the
13 court of original jurisdiction. In the event venue has been
14 transferred, a copy of the board's decision shall also be filed
15 with the children's court to which venue has been transferred.

16 F. Before ordering parole of a child, the board
17 shall personally interview the child. The board shall furnish
18 to each child paroled a written statement of the conditions of
19 parole, which conditions shall be acknowledged by the child and
20 his parent, custodian or guardian.

21 G. The board shall provide the child and his parent,
22 custodian or guardian with a written statement of the reason for
23 denying parole within forty-eight hours after the hearing. "

24 Section 5. A new section of the Parole Board Act is
25 enacted to read:

. 108908.3

Underscored material = new
[bracketed material] = delete

1 "[NEW MATERIAL] DEFINITIONS. --As used in the Parole Board

2 Act:

3 A. "adult" means a person eighteen years of age or
4 older;

5 B. "board" means the parole board; and

6 C. "child" means a person less than eighteen years
7 of age."

8 Section 6. A new section of the Parole Board Act is
9 enacted to read:

10 "[NEW MATERIAL] PAROLE ELIGIBILITY FOR CHILDREN. --

11 A. A child is eligible to appear before the board
12 forty days after the entry of a judgment transferring legal
13 custody to an agency for the care and rehabilitation of
14 delinquent children, unless recommended for an earlier
15 appearance by the agency responsible for the care and
16 rehabilitation.

17 B. In the event parole is denied, the child shall be
18 eligible for review sixty days after parole is denied.

19 C. The board may review the case of any child upon
20 its own motion at any time after parole is denied.

21 D. The provisions of this 1996 act apply to all
22 children who, on the effective date of this 1996 act, are on
23 parole or eligible to be placed on parole with the same effect
24 as if this 1996 act had been in effect at the time they were
25 placed on parole or became eligible to be placed on parole."

. 108908.3

Underscored material = new
[bracketed material] = delete

1 Section 7. A new section of the Parole Board Act is
2 enacted to read:

3 "[NEW MATERIAL] ACCESS. --The board shall have access at
4 all reasonable times to any child over whom the board has
5 jurisdiction and any records pertaining to the child. The
6 agency to which legal custody was transferred shall also provide
7 the board with facilities appropriate for communicating with and
8 interviewing children."

9 Section 8. TEMPORARY PROVISION--TRANSFERS OF PROPERTY--
10 CONTRACTS--REFERENCES. --On the effective date of this act,
11 functions, personnel, money, appropriations, records, furniture,
12 equipment, supplies and other property of the juvenile parole
13 board shall be transferred to the parole board. All contracts
14 and other agreements of the juvenile parole board shall be
15 binding on the parole board. References in the law to the
16 juvenile parole board or the adult parole board shall be
17 construed as references to the parole board.

18 Section 9. REPEAL. --Sections 9-2A-5 and 32A-7-1 through
19 32A-7-9 NMSA 1978 (being Laws 1992, Chapter 57, Section 5 and
20 Laws 1993, Chapter 77, Sections 194 through 202) are repealed.

21 Section 10. EFFECTIVE DATE. --The effective date of the
22 provisions of this act is July 1, 1996.

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996

3
4
5 FEBRUARY 9, 1996

6
7 Mr. President:

8
9 Your COMMI TTEES' COMMI TTEE, to whom has been referred

10
11 SENATE BILL 805

12
13 has had it under consideration and finds same to be GERMANE,
14 PURSUANT TO HOUSE EXECUTIVE MESSAGE NUMBER 34 and thence referred to the
15 JUDI CIARY COMMI TTEE.

16
17 Respectfully submit ted,

18
19
20
21
22 _____
23 SENATOR MANNY M. ARAGON, Chai rman
24
25

Underscored material = new
[bracketed material] = delete

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Date _____

S0805CC1

Underscored material = new
~~[bracketed material] = delete~~