HOUSE BILL 740

43RD LEGISLATURE **- STATE OF NEW MEXICO - FIRST SESSION, 1997**

INTRODUCED BY

RITA G. GETTY

AN ACT

RELATING TO VICTIM NOTIFICATION; AMENDING THE VICTIMS OF CRIME ACT.

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

Section 1. Section 31-26-3 NMSA 1978 (being Laws 1994, Chapter 144, Section 3) is amended to read:

"31-26-3. DEFINITIONS.--As used in the Victims of Crime Act:

A. "court" means magistrate court, metropolitan court, children's court, district court, the court of appeals or the supreme court;

B. "criminal offense" means:

(1) negligent arson resulting in death or bodily injury, as provided in Subsection B of Section 30-17-5 NMSA 1978;

.115425.1

(2)   aggravated arson, as provided in Section 30-17-6 NMSA 1978;

(3)   aggravated assault, as provided in Section 30-3-2 NMSA 1978;

(4)   aggravated battery, as provided in Section 30-3-5 NMSA 1978;

(5)   dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978;

(6)   negligent use of a deadly weapon, as provided in Section 30-7-4 NMSA 1978;

(7)   murder, as provided in Section 30-2-1 NMSA 1978;

(8)   voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;

(9)   involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978;

(10)   [kidnaping] kidnapping, as provided in Section 30-4-1 NMSA 1978;

(11)   criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(12)   criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(13)   homicide by vehicle, as provided in Section 66-8-101 NMSA 1978;

(14)   great bodily injury by vehicle, as

.115425.1

- 2 -

provided in Section 66-8-101 NMSA 1978; or

        (15) abandonment or abuse of a child, as provided in Section 30-6-1 NMSA 1978;

    C. "court proceeding" means a hearing, argument or other action scheduled by and held before a court;

    D. "family member" means a spouse, child, sibling, parent or grandparent;

    E. "formally charged" means the filing of an indictment, the filing of a criminal information pursuant to a bind-over order, the filing of a petition or the setting of a preliminary hearing;

    F. "victim" means an individual against whom a criminal offense is committed. "Victim" also means a family member or a victim's representative when the individual against whom a criminal offense was committed is a minor, is incompetent or is a homicide victim; and

    G. "victim's representative" means an individual designated by a victim or appointed by the court to act in the best interests of the victim."

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

"31-26-11. PROCEDURES WHEN AN INMATE ESCAPES--CORRECTIONS DEPARTMENT--CHILDREN, YOUTH AND FAMILIES DEPARTMENT.--

    A. The corrections department or the children, youth and families department shall immediately notify the sentencing

.115425.1

1   judge, the district attorney of the judicial district from which

2   the inmate was committed and the probation officer who authored

3   the presentence report when an inmate:

4   (1)   escapes from a correctional facility under

5   the jurisdiction of the corrections department or the children,

6   youth and families department; or

7   (2)   convicted in New Mexico of a capital, first

8   degree or second degree felony and transferred to a facility

9   under the jurisdiction of another state, escapes from that

10 facility.

11   B.   The district attorney shall immediately notify

12 any person known to reside in his district who was a victim of

13 the criminal offense for which the inmate was committed."

14   Section 3.   Section 31-26-12 NMSA 1978 (being Laws 1994,

15 Chapter 144, Section 12) is amended to read:

16   "31-26-12.   PROCEDURES WHEN AN INMATE IS RELEASED FROM

    INCARCERATION--ADULT PAROLE BOARD--CORRECTIONS DEPARTMENT--

17 JUVENILE PAROLE BOARD--CHILDREN, YOUTH AND FAMILIES DEPARTMENT-

18 DISTRICT ATTORNEYS.--

19   A.   The adult parole board and the juvenile parole

20 board shall provide a copy of [its] their respective regular

21 [docket] dockets to each district attorney in the state at least

22 ten working days before the docket is considered by the board.

23   B.   The adult parole board and the juvenile parole

24 board shall provide a copy of a supplemental, addendum or

25

.115425.1

- 4 -

1 special docket to each district attorney at least five working

2 days before the docket is considered by the board.

3   C.   Following consideration of a docket by the adult

4 parole board [the] or the juvenile parole board, each board

5 shall promptly notify each district attorney of any

6 recommendations adopted by the board for release of an inmate

7 from incarceration.   The district attorney shall notify any

8 person known to reside in his district who was a victim of the

9 criminal offense for which the inmate was incarcerated.

10   D.   In the case of an inmate scheduled to be released

11 from incarceration without parole or prior to parole for any

12 reason, the corrections department or the children, youth and

13 families department shall notify each district attorney at least

14 fifteen working days before the inmate's release.   The district

15 attorney shall notify any person known to reside in his district

16 who was a victim of the criminal offense for which the inmate

17 was incarcerated."

- 5 -

.115425.1

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 24, 1997

Mr. Speaker:

Your **JUDICIARY COMMITTEE,** to whom has been referred

HOUSE BILL 740

has had it under consideration and reports same with
recommendation that it **DO PASS**, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

_____

Thomas P. Foy, Chairman

Adopted _____   Not Adopted _____

(Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was _7_ For _2_ Against

Yes: 7

No: Carpenter, Larranaga

Excused: King, Pederson, Rios, Sanchez

Absent: None

M:\H0740