AN ACT

RELATING TO CRIMINAL LAW; CLARIFYING THE ELEMENTS OF THE OFFENSE OF FAILURE TO APPEAR; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 31-3-9 NMSA 1978 (being Laws 1973, Chapter 73, Section 6) is amended to read:

"31-3-9. FAILURE TO APPEAR--PENALTY.--[Any] A person released pending [trial or appeal in any criminal action] any proceeding related to the prosecution or appeal of a criminal offense or a probation revocation proceeding who willfully fails to appear before any court or judicial officer as required:

A. is guilty of a fourth degree felony, if he was released in connection with a felony [charge] proceeding; or

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1   B.   is guilty of a petty misdemeanor, if he was

2   released in connection with a [charge of a] misdemeanor or a

3   petty misdemeanor proceeding."

4   Section 2.   EFFECTIVE DATE.--The effective date of the

5   provisions of this act is July 1, 1999.

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FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

February 27, 1999

Mr. Speaker:

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

HOUSE BILL 481

has had it under consideration and reports same with

recommendation that it **DO PASS.**

Respectfully submitted,

_____

R. David Pederson, Chairman

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Adopted _____   Not Adopted _____

(Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

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underscored material = new
[bracketed material] = delete

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