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SENATE BILL 441

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Carroll H. Leavell

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; ENACTING THE TEEN COURT ACT; PROVIDING FOR THE OVERALL ADMINISTRATION OF TEEN COURTS BY THE ADMINISTRATIVE OFFICE OF THE COURTS; PROVIDING PROCEDURES AND DISPOSITIONS FOR TEEN COURTS; ESTABLISHING PROCEDURES FOR DISTRIBUTING MONEY TO TEEN COURTS.

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

Section 1. SHORT TITLE. -- This act may be cited as the "Teen Court Act".

Section 2. FINDINGS AND PURPOSE. --

A. The legislature finds that teen courts have proven to be effective diversionary programs and important educational and training programs for juveniles. The legislature further finds that the valuable aspects of teen court programs include the broad purposes and multiple facets

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1 that have been used by individual teen courts.

2 B. The purpose of the Teen Court Act is to provide  
3 general requirements and procedures for teen courts and a  
4 procedure for funding teen courts while encouraging teen  
5 courts to continue operating with broad purposes and multiple  
6 facets.

7 Section 3. DEFINITIONS. -- As used in the Teen Court Act:

8 A. "community liaison" means an individual working  
9 with a teen court for the purpose of coordinating the  
10 community service with the juveniles and the teen court and  
11 the local community;

12 B. "juvenile" means an individual less than  
13 eighteen years of age;

14 C. "minor offense" means a petty misdemeanor, a  
15 violation of a municipal penal ordinance punishable by fine  
16 only, a traffic offense punishable by fine only or a violation  
17 of a school rule or any other offense deemed appropriate by  
18 the referring agency for the teen court;

19 D. "referring agency" means an individual or  
20 agency authorized by rule of the director to refer juveniles  
21 to teen court.

22 E. "teen" means an individual thirteen, fourteen,  
23 fifteen, sixteen, seventeen or eighteen years of age;

24 F. "teen court" means a court for juveniles  
25 accused of minor offenses and includes juvenile defendants,

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1 teen court judges, a community liaison and teens as jurors,  
2 attorneys, bailiffs and court clerks;

3 G. "teen court disposition" means the final  
4 decision rendered by a teen court; and

5 H. "teen court program" means a voluntary  
6 diversionary court program using teen courts and containing  
7 the following components:

- 8 (1) voluntary participation;
- 9 (2) parental participation;
- 10 (3) community involvement;
- 11 (4) a screening committee or screening  
12 individual;
- 13 (5) educational training;
- 14 (6) a standard record management system; and
- 15 (7) evaluation mechanisms.

16 Section 4. TEEN COURT--ELIGIBILITY--REFERRALS--  
17 AGREEMENTS.--

18 A. A juvenile is eligible for a teen court program  
19 if:

- 20 (1) the juvenile is accused of committing a  
21 minor offense;
- 22 (2) the juvenile has not received a teen  
23 court disposition in the two years preceding the date the  
24 alleged minor offense occurred;
- 25 (3) the teen court has received a referral

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1 from a referring agency;

2 (4) the juvenile has signed an agreement  
3 pursuant to Subsection C of this section; and

4 (5) a parent or guardian of the juvenile has  
5 consented. The consent form shall be in writing and shall be  
6 available in English, Spanish or Navajo. If the parent or  
7 guardian speaks a language other than English, Spanish or  
8 Navajo, the teen court shall make all reasonable efforts to  
9 provide the parent or guardian with a clear understanding of  
10 the nature of their consent.

11 B. A referral shall not be made to the teen court  
12 unless the referring agency has informed the juvenile that  
13 participation in the teen court program is voluntary and that  
14 the juvenile has the right to refuse participation in the  
15 program.

16 C. Upon receipt of a referral by a teen court, a  
17 teen court screening committee or screening individual shall  
18 meet with the juvenile and a parent or guardian of the  
19 juvenile to explain the teen court program and the juvenile's  
20 rights. If the juvenile or the juvenile's parent or guardian  
21 decides not to participate in the program or if the screening  
22 committee or screening individual determines that the referral  
23 is inappropriate, the case shall be returned to the referring  
24 agency. If the application is appropriate and if the juvenile  
25 and the juvenile's parent or guardian decide to participate in

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1 the teen court program, they shall enter into a teen court  
2 agreement. A teen court agreement:

3 (1) shall be in writing, in simple,  
4 understandable language and shall be made available to the  
5 juvenile and the parent or guardian in English, Spanish or  
6 Navajo;

7 (2) shall name the referring agency;

8 (3) shall provide that the juvenile agrees to  
9 comply with a teen court disposition that may include  
10 supervision of the juvenile for services not to exceed twelve  
11 months;

12 (4) may include an admission of guilt by the  
13 juvenile;

14 (5) shall provide that the agreement may be  
15 terminated by the juvenile at any time;

16 (6) shall explain how the agreement can  
17 otherwise be terminated;

18 (7) shall be signed by the juvenile, the  
19 parent or guardian of the juvenile and a representative of the  
20 teen court; and

21 (8) shall include a waiver of the right to a  
22 speedy trial.

23 Section 5. TEEN COURT--HEARING--DISPOSITIONS.--

24 A. Once a juvenile is eligible to participate in a  
25 teen court program, an evidentiary hearing shall be held

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1 before a teen court judge and a teen jury, composed of not  
2 less than three teens, to determine an appropriate  
3 disposition.

4 B. After hearing the evidence, the teen jury shall  
5 decide on an appropriate disposition. A disposition may  
6 include supervision of the juvenile for services not to exceed  
7 twelve months. The services specified in the disposition may  
8 include:

- 9 (1) community service;
- 10 (2) participation in law related classes,  
11 counseling or treatment;
- 12 (3) participation as a juror or other teen  
13 court member in teen court; or
- 14 (4) no service.

15 C. The teen court judge shall uphold the teen  
16 jury's disposition unless the judge determines that the  
17 disposition is demonstrably inconsistent with the  
18 circumstances of the offense. Upon such a determination, the  
19 teen court judge shall impose an appropriate disposition.  
20 Teen courts may also assess court costs, fines or fees against  
21 juveniles on a sliding scale basis according to family income,  
22 but costs, fines or fees shall not be assessed against a  
23 juvenile whose parent or guardian receives services or  
24 assistance pursuant to the provisions of the New Mexico Works  
25 Act.

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1           Section 6.   TEEN COURTS--COMMUNITY LIAISON--COMPLETION OF  
2 PROGRAM --

3           A.   A teen court shall designate a community  
4 liaison to coordinate a juvenile's community service with  
5 service groups in the community.   The community liaison shall  
6 communicate with each juvenile at least once during the  
7 required community service and shall take steps to ensure that  
8 the juvenile is appropriately placed and is learning from the  
9 community service.   The community liaison shall also maintain  
10 the budget for the teen court, complying with a standardized  
11 record management system.

12           B.   Upon successful completion of a teen court  
13 disposition, the referral shall be closed and shall constitute  
14 a final decision on the merits.

15           C.   If the juvenile does not successfully complete  
16 the teen court disposition, the teen court agreement shall  
17 terminate and the juvenile's case shall be sent back to the  
18 referring agency; provided the agreement shall not terminate  
19 without the consent of the juvenile and the juvenile's parent  
20 or guardian unless:

21                   (1)   the juvenile fails to comply with the  
22 teen court agreement; or

23                   (2)   the juvenile violates teen court rules.

24           D.   The juvenile may terminate the teen court  
25 agreement at any time and the case shall be sent back to the

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1 referring agency.

2 E. The teen court shall notify the referring  
3 agency of either compliance or noncompliance by the juvenile  
4 with the disposition.

5 F. No part of a communication made by a juvenile  
6 as part of the juvenile's participation in a teen court  
7 program shall be admissible for any purpose other than for the  
8 teen court.

9 Section 7. SCHOOL PARTICIPATION--INSTRUCTIONAL TIME. --A  
10 school participating in a teen court program shall be  
11 permitted to credit the time of teachers and students spent  
12 participating in teen court as instructional time.

13 Section 8. ADMINISTRATIVE OFFICE OF THE COURTS--DUTIES--  
14 TEEN COURT ADVISORY BOARD. --The administrative office of the  
15 courts shall:

16 A. be responsible for the general supervision and  
17 coordination of teen courts and teen court programs;

18 B. appoint a "teen court advisory board"  
19 consisting of district court judges, probation and parole  
20 officers, district attorneys, public defenders, teen court  
21 directors and juveniles. The board shall act as an umbrella  
22 organization to ensure and facilitate consultation and  
23 communication among the interested governmental agencies and  
24 shall advise the administrative office of the courts and the  
25 teen courts in matters of policy. The board shall organize

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1 and conduct its business pursuant to rules adopted by the  
2 administrative office of the courts and bylaws adopted by the  
3 board;

4 C. upon recommendation of the teen court advisory  
5 board, establish, by rule, guidelines for the implementation  
6 and operation of teen courts, including general criteria for  
7 program evaluations. Pursuant to the criteria, each teen  
8 court shall conduct an evaluation of its teen court program  
9 and shall submit the results biannually to the administrative  
10 office of the courts; and

11 D. upon recommendation of the teen court advisory  
12 board, establish by rule procedures for distributing  
13 appropriations made by the legislature for teen courts;  
14 provided that nothing in the Teen Court Act or the procedures  
15 set forth in this section shall be interpreted to preclude or  
16 impair the ability of individual teen courts from obtaining  
17 funding from other sources. The procedures:

18 (1) shall include provisions that any unit of  
19 local government, school district, nonprofit organization or  
20 district court may apply for teen court funding;

21 (2) shall specify criteria to be considered  
22 in determining the amount to be distributed to each teen  
23 court. The criteria shall include:

24 (a) the number of referrals the teen  
25 court receives and the number of teen participants in the

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program; and

(b) the number of students receiving school credit for participation in the teen court program;

(3) may require matching funds, in cash or in-kind for each teen court program; and

(4) shall require appropriate accounting principles to be followed by each teen court receiving funding.

Section 8. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1999.