

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the Bill no. in the email subject line, e.g., HB2, and only attach one Bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original Bill, amendment, substitute or a correction of a previous Bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 11, 2014

Bill No: HB187-305 Feb 11

Sponsor: House Consum. & Pub Affairs

Reviewing Attorney General's Office

Short Delinquency act; supervised

Person Writing Kevin A. Graham, AAG

Title: release; fugitive warrants

Phone: 505-222-9012 **Email** kgraham@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Opinion Letter. This is a staff analysis in response to the agency's, committee's or legislator's request.

BILL SUMMARY

Summary Synopsis:

The Bill generally amends the language of §32A-2-25 of the Children's Code ("Delinquency" section) to remove some (but not all) references to "parole" and "parole revocation" from the current statute and replace those terms with "supervised release." These changes update terminology in the statute.

The Bill further amends §32A-2-25 (A) by changing the reference to the juvenile "parole board" and replacing that term with juvenile "public safety advisory board and any other person designated by the department."

A new subsection (D) to §32A-2-25 is created which specifies:

"If it is found that a retake warrant issued pursuant to Subsection C of this section cannot be served, the child shall be deemed a fugitive from justice. Upon return of the child, the department, in accordance with the juvenile public safety advisory board, shall conduct a hearing to determine whether credit shall be given for any time served on supervised release from the date of violation to the date of arrest on the warrant. During the pendency of the warrant, the supervised release term is tolled. Pending a hearing as provided by law upon any charge of violation, the child shall remain in the custody of the facility from which the child was released."

The language of new subsection (D) of the substitute Bill has been modified – and enhanced – as compared to the language of the original H 187. The substitute Bill language clarifies the Department's responsibility for conducting a hearing to determine any "credit for time served" the child is entitled to receive and makes it clear that the child's parole or "supervised release" period was tolled during the time a warrant for the child's apprehension had been issued. The new language also addresses the physical custody of the child once the child has been apprehended and is awaiting a hearing on the charged violation of the child's parole or supervised release. Pending the violation hearing, the child shall remain in the custody of the facility from which the child had been released.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

SIGNIFICANT LEGAL ISSUES

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS NEEDED TO IMPROVE THIS BILL