

<b>LFC Requester:</b>	Chenier, Eric
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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**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** January 30, 2014

**Bill No:** HB187-305 Jan 30

**Sponsor:** Rep. William Rehm

**Reviewing** Attorney General's Office

**Short** Delinquency act; supervised

**Person Writing** Kevin A. Graham, AAG

**Title:** release; fugitive warrants

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**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)**

	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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 NMSA 1978, Section 32A-2-25 (2005) of the Children's Code ("Delinquency" section) to remove all references to the term "parole" from the current statute and replaces the term "parole" with the term "supervised release." These changes appear to be mostly an updating of terminology in the statute.

The Bill amends Section 32A-2-25 throughout subsection (A) by deleting references to the "parole agency", "parole" and "parole revocation" and replacing those words with the term "supervised release."

The Bill further amends Section 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."

The Bill amends Section 32A-2-25 throughout subsection (B) by changing all references to "parole" to the new term "supervised release."

The Bill amends Section 32A-2-25 subsection (C) [which concerns the issuance of retake warrants for certain juveniles found at a revocation hearing to have violated the terms of their release] by striking references to "parole" and "institution" and replacing those terms with "supervised release" and "facility."

A new subsection (D) to Section 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, a hearing shall be held to determine whether any credit shall be given for time served on supervised release from the date of violation to the date of arrest on the warrant. The supervised release term is tolled during the pendency of a proceeding to determine credit for time served pursuant to this subsection." This addition to the statute defines when a child shall be deemed a "fugitive from justice" and mandates a procedure to insure the child's due process rights are protected in regards to a determination of any/all credit the child should receive for any time the child was a fugitive from justice.

The Bill renumbers the final paragraph of Section 32A-2-25 to subsection (E) and amends the current language of the subsection for the term "parole supervision" to the term

“supervised release” and strikes unnecessary language reading “by the department” from the current subsection.

**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**