

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2015 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	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>January 28, 2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB 197</u>

Sponsor:	<u>Rep. William "Bill" R. Rehm</u>	Agency Code:	<u>Attorney General's Office</u>
Short Title:	<u>Delinquency Act Terms, Petitions and Changes</u>	Person Writing	<u>Jennifer Armijo Hughes, AAG</u>
		Phone:	<u>222-9000</u>
		Email	<u>jhughes@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis: HB 197 amends Section 32A-2-25 NMSA 1978, which is part of the Delinquency Act, by making changes to subsections (A) and (B) and adding new subsections (C), (D) and (E).

Subsection (A) is amended by changing the term “parole” to “supervised release”. It eliminates the language “who is neutral to the child and the agency.” It also replaces current language, juvenile “parole board,” with juvenile “public safety advisory board and any other person designated by the department.” It also adds language allowing a children’s court attorney to file a petition if a child willfully absconds from supervised release. As part of the amendment, the last two sentences of subsection (A) are taken out and incorporated into subsection (B).

Subsection (B) is amended to include the last two sentences of subsection (A). It also replaces the term “parole” with “supervised release.”

Subsection (C) is a new section added to Section 32A-2-25 NMSA 1978. This section incorporates all of the language in the original subsection (B). It also replaces the term “parole” with “supervised release” and the word “institution” with “facility.” Lastly, it eliminates the language “by the department.”

Subsection (D) is a new section added to Section 32A-2-25 NMSA 1978. This section mandates that on the basis a child has absconded from supervised release, the issuance of a retake warrant shall toll the supervised release period.

Subsection (E) is a new section added to Section 32A-2-25 NMSA 1978. This section allows the children’s court attorney to file a petition alleging that a child has willfully absconded from supervised release. It also allows the court to extend the child’s commitment for up to one six-month period on a short-term commitment and up to one year on a long-term commitment, until the child reaches the age of twenty-one, if the court finds that the child willfully absconded from supervised release and that it is necessary to safeguard the welfare of the child or the safety of the public. Lastly, this subsection mandates that the petition be filed in the district where the child was initially committed.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo; However, youth who abscond while on supervised release and remain on the run until the period of supervised release has expired will be discharged from supervision without having completed their programming in the community.

AMENDMENTS

N/A