

1 HOUSE BILL 469

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Gail Chasey

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10 AN ACT

11 RELATING TO CRIMINAL PROCEDURE; ESTABLISHING A TECHNICAL
12 VIOLATION OF PROBATION EXPEDITED RELEASE PROGRAM FOR JUDICIAL
13 DISTRICTS; ESTABLISHING A COMMISSION AND SETTING FORTH ITS
14 DUTIES.

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

17 SECTION 1. TECHNICAL VIOLATION OF PROBATION EXPEDITED
18 RELEASE PROGRAM--ESTABLISHED.--Each judicial district shall
19 institute a program establishing sanctions for probationers who
20 commit certain technical violations of the conditions of their
21 probation and then agree to certain automatic sanctions for
22 those violations. Prior to its institution, the program shall
23 be submitted for approval to the supreme court in the same
24 manner as rules submitted under Rule 102 of the New Mexico
25 Rules of Criminal Procedure for the District Courts. As used

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1 in this section, "technical violation" means any violation of a
2 condition of probation that does not allow for new criminal
3 charges.

4 SECTION 2. TECHNICAL VIOLATION OF PROBATION EXPEDITED
5 RELEASE PROGRAM COMMISSION--MEMBERSHIP--DUTIES.--

6 A. Each judicial district shall form a commission
7 composed of the local district attorney, the district public
8 defender, the chief administrative judge, a representative of
9 the adult probation and parole division of the corrections
10 department who works with individuals in that judicial district
11 and a representative of each county commission for the judicial
12 district.

13 B. The commission shall adopt policies and
14 procedures for the operation of the judicial district's
15 technical violation of probation expedited release program.
16 The policies shall provide, at a minimum, for the probationer
17 to:

- 18 (1) not contest the alleged violation of
19 probation;
20 (2) submit to sanctions in accordance with the
21 local judicial district rule; and
22 (3) waive the provisions of Paragraphs D
23 through L of Rule 805 of the New Mexico Rules of Criminal
24 Procedure for the District Courts.

25 SECTION 3. EFFECTIVE DATE.--The effective date of the
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1 provisions of this act is July 1, 2011.

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