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AN ACT

RELATING TO CHILDREN; AMENDING SECTIONS OF THE CHILDREN'S
CODE AND OTHER LAWS; REPLACING THE JUVENILE PAROLE BOARD WITH
A JUVENILE PUBLIC SAFETY ADVISORY BOARD; AMENDING, REPEALING
AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 9-2A-5 NMSA 1978 (being Laws 1992,
Chapter 57, Section 5) is amended to read:

"9-2A-5. ADMINISTRATIVELY ATTACHED AGENCY.--The
juvenile public safety advisory board is administratively
attached to the department."

Section 2. Section 9-2A-16 NMSA 1978 (being Laws 1992,
Chapter 57, Section 16) is amended to read:

"9-2A-16. FUNCTIONS OF JUVENILE JUSTICE ADVISORY
COMMITTEE AND DEPARTMENT.--

A. The juvenile justice advisory committee shall
have policymaking, planning and review powers over only the
following functions pursuant to the federal Juvenile Justice
and Delinquency Prevention Act of 1974:

(1) in conjunction with the department,
approval of a comprehensive state plan and modifications
reflecting statewide goals, objectives and priorities for the
expenditure of federal funds received under that act;

(2) approval or disapproval of applications

1 or amendments submitted by eligible entities pursuant to that
2 act;

3 (3) in conjunction with the department,
4 assurance that fund accounting, auditing and evaluation of
5 programs and projects funded pursuant to that act comply with
6 federal requirements and state law;

7 (4) in conjunction with the department,
8 receive and review annual reports from adult jails and
9 lockups regarding compliance with federal requirements that
10 apply when a juvenile is temporarily held in an adult jail or
11 lockup. The juvenile justice advisory committee and the
12 department shall determine the format of the annual reports;

13 (5) assistance to the governor, the
14 legislature and entities created or funded pursuant to that
15 act in developing new or improved approaches, policies or
16 legislation designed to improve juvenile justice in New
17 Mexico; and

18 (6) provision of technical assistance by the
19 department to eligible entities pursuant to that act.

20 B. All budgetary, evaluation, monitoring and
21 grants administration functions required pursuant to the
22 federal Juvenile Justice and Delinquency Prevention Act of
23 1974 shall be carried out by the department."

24 Section 3. Section 30-22-11.1 NMSA 1978 (being Laws
25 1993, Chapter 121, Section 1) is amended to read:

2 E. After January 1, 1994, no state or county
3 detention facility shall hold juveniles sentenced by a
4 federal court, unless the facility meets state standards
5 promulgated by the department.

6 F. A juvenile detention facility certified by the
7 department shall comply with the daily reporting requirement
8 for children in detention, including reports on the length of
9 stay for each child. This information shall be reported as
10 required by the department."

11 Section 12. A new Section 32A-2-4.1 NMSA 1978 is
12 enacted to read:

13 "32A-2-4.1. ADULT JAILS AND LOCKUPS USED AS TEMPORARY
14 HOLDING FACILITIES--REPORTS.--

15 A. A child arrested and detained for an alleged
16 delinquent act may be temporarily held in an adult jail or
17 lockup for no longer than six hours. A child who is detained
18 in an adult jail or lockup shall be placed in a setting that
19 is physically segregated by sight and sound from adult
20 offenders. After six hours, the child may be placed or
21 detained pursuant to the provisions of Section 32A-2-12 NMSA
22 1978.

23 B. An adult jail or lockup used as a temporary
24 holding facility for alleged delinquent offenders shall file
25 an annual report regarding its compliance with federal

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1 requirements. The juvenile justice advisory committee and
2 the department shall determine the format of the annual
3 reports."