

This rule was filed as Rule 77-1.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 1 PUBLIC SAFETY GENERAL PROVISIONS
PART 2 GOVERNOR'S ORGANIZED CRIME PREVENTION COMMISSION

10.1.2.1 ISSUING AGENCY: The Governors Organized Crime Prevention Commission
[Recompiled 11/30/01]

10.1.2.2 SCOPE [RESERVED]
[Recompiled 11/30/01]

10.1.2.3 STATUTORY AUTHORITY: [RESERVED]
[Recompiled 11/30/01]

10.1.2.4 DURATION: [Permanent]
[Recompiled 11/30/01]

10.1.2.5 EFFECTIVE DATE: [Filed June 21, 1977]
[Recompiled 11/30/01]

10.1.2.6 OBJECTIVE: [RESERVED]
[Recompiled 11/30/01]

10.1.2.7 DEFINITIONS: [RESERVED]
[Recompiled 11/30/01]

10.1.2.8 [ISSUANCE OF SUBPOENAS:] The commission will follow the procedures described below in the issuance of subpoenas.

A. Before any subpoena is sought in aid of an investigation being conducted by the commission, the investigation itself must be approved by the members of the commission. Such approval will be by at least four commissioners. In general, the approval will be made at a meeting of the commission and all absent members will be consulted; however, if prompt action is required, approval may be sought by telephone communication with all available commissioners. If approval is obtained, a written resolution stating the purpose of the investigation and the vote of the commissioners will be prepared and presented to all commissioners for their examination at the next regular meeting of the commission.

B. Once an investigation is approved, the commission may adopt and acknowledge individual subpoenas to be issued in aid of the investigation by resolution of five members of the commission. Such resolutions need not be adopted or acknowledged at a regular meeting of the commission; and adoption or acknowledgment by any member of the commission need not be witnessed by other commission members.

C. The commission may adopt and acknowledge subpoenas so long as the proposed subpoenas contain the name of the witness and the documents or other evidence (if any) to be subpoenaed) however, the date, time and location of the hearing need not be contained in the subpoena, nor otherwise fixed, at the time a subpoena is adopted and acknowledged by the commission. The commission may authorize the executive director to fix the date, time and location of the commission hearing prior to service of the subpoena.

D. Witnesses receiving subpoenas shall appear at a hearing of the commission at the time and place stated on the subpoena served upon the witness, and shall bring all items designated by the subpoena. The executive director, however, may excuse a witness from appearing at the hearing if the witness makes satisfactory arrangements to provide the commission with the items designated by the subpoena. If the witness is so excused, his or her appearance for the purpose of giving testimony pursuant to the subpoena may be postponed to a date and place to be set by the executive director, upon adequate notice to the witness.

(1) The commissioner(s) present at a hearing of the commission may excuse a witness from production of all or some of the items designated by the subpoena directed to the witness upon conditions which they deem reasonable. Also, they may continue the hearing and excuse the witness until a future date and location to be set by the executive director, upon adequate notice to the witness.

(2) The executive director may change the time and location of a hearing to which witnesses have been subpoenaed to attend, but only if at least one commissioner agrees to attend the hearing at the altered time and/or location; provided that the time for a hearing shall not be advanced without adequate notice to the witness.

(3) "Adequate notice" shall consist of notification given to the witness or his/her attorney personally prior to the altered time, or mailed to the last known address of the witness or his/her attorney at least three days prior to the altered time.

Chairman

[Recompiled 11/30/01]

HISTORY OF 10.1.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: Rule 77-1, Untitled Procedure, filed 6/21/77.

History of Repealed Material: [RESERVED]