

This rule was filed as PB Rule 82-1.

TITLE 22 COURTS
CHAPTER 510 PAROLE
PART 2 PAROLE HEARINGS

22.510.2.1 ISSUING AGENCY: New Mexico Parole Board.
[Recompiled 12/31/01]

22.510.2.2 SCOPE: [RESERVED]
[Recompiled 12/31/01]

22.510.2.3 STATUTORY AUTHORITY: [RESERVED]
[Recompiled 12/31/01]

22.510.2.4 DURATION: [Permanent]
[Recompiled 12/31/01]

22.510.2.5 EFFECTIVE DATE: [Filed December 2, 1982]
[Recompiled 12/31/01]

22.510.2.6 OBJECTIVE: [RESERVED]
[Recompiled 12/31/01]

22.510.2.7 DEFINITIONS: [RESERVED]
[Recompiled 12/31/01]

22.510.2.8 PAROLE HEARING:

A. The provisions of Paragraph I [now Subsection A of 22.510.2.8 NMAC] apply to persons serving determinate sentences for crimes committed on or after July 1, 1979, except for persons serving indeterminate life sentences for crimes committed on or after July 1, 1979.

(1) The purpose of a regular parole hearing with regard to inmates in this category is to set conditions of parole and to consider an appropriate parole plan for the inmate.

(2) Inmates should appear before the board at least 90 days before their anticipated release on parole, except that an inmate who is trying to secure an out-of-state parole plan should appear at least 120 days before the board prior to his anticipated release date. (Regularly scheduled appearance dates are determined by the institution where the inmate is incarcerated).

(3) Legal counsel for a prospective parolee is not permitted in a regular parole hearing. Visitors will not be permitted unless cleared by the chairman with consent of the other board members.

(4) Inmates will be informed of the parole board's decision within five (5) working days from the date of the hearing, unless the board informs the inmate that it will require more time to set parole conditions and to consider an appropriate parole plan.

(5) Minutes of regular parole hearings will be kept by one of the board members or a designated staff person.

(6) If it appears during a regular hearing that a translator and/or interpreter is needed in order that the inmate may communicate to the board and understand the proceedings, the board will provide one.

(7) Regular parole hearings will be held at regularly scheduled times at the New Mexico penitentiary, satellite facilities or other places where New Mexico inmates are being confined.

B. The provisions of Paragraph II [now Subsection B of 22.510.2.8 NMAC] apply to inmates serving indeterminate sentences for crimes committed prior to July 1, 1979, and to inmates serving indeterminate life sentences for crimes committed on or after July 1, 1979.

(1) There are three types of regular parole hearings:

(a) the initial hearing, to which each inmate is entitled upon meeting the statutory requirements, at which time the inmate will appear in person, unless waived in writing;

(b) review hearing;

(c) special hearing.

- (2) All special reviews must be approved by the board before the hearing date.
 - (3) Legal counsel for a prospective parolee is not permitted in a regular parole hearing. Visitors will not be permitted unless cleared by the chairman with the consent of the other board members.
 - (4) Letters of recommendation concerning parole or job offers should be sent at least one month before the parole board hearing. A parole board docket for regular board hearings will be prepared and copies sent to the district court judges who committed the prospective parolees at least 30 days prior thereto.
 - (5) Inmates will be informed of the parole board's decision within a five (5) day period, unless the board informs the inmate that it will require more time to decide the case.
 - (6) If parole is denied, reasons for denial will be provided the inmates. The inmates' caseworker or the parole board will inform the inmates of the board's decision.
 - (7) Minutes of regular parole hearings are kept by one of the board members.
 - (8) If it appears during a regular hearing that a translator and/or interpreter is needed in order that the inmate may communicate to the board and understand the proceedings, the board will provide one.
 - (9) With respect to the parole of inmates sentenced by New Mexico courts who are confined in state institutions outside of New Mexico, if the state in which the inmate is located is party to the Western Interstate Corrections Compact, a parole hearing may be provided the inmate pursuant to the provisions of the Western Interstate Corrections Compact.
 - (10) Meetings of the parole board held for the purpose of taking formal action upon a matter not requiring the presence of an inmate may be held at the office of the parole board.
 - (11) Regular parole hearings will be held at regularly scheduled times at the New Mexico state penitentiary, satellite facilities or other places where New Mexico inmates are being confined.
- [Recompiled 12/31/01]

HISTORY OF 22.510.2 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the State Records Center: PB 71-1, Parole Hearing Board, Procedures Manual, filed 11/17/71.

PB 76-1, Rules, Regulations, Procedures and Parole Board Statutes, filed 8/2/76.

PB 80-1, Rules, Regulations, Procedures and Parole Board Statutes (February 1979 Revision), filed 10/17/80.

PB Rule 82-1, Parole Hearings, filed 12/2/82.

History of Repealed Material: [RESERVED]