

This rule was filed as PB Rule 82-11.

TITLE 22 COURTS
CHAPTER 510 PAROLE
PART 12 HEARING OFFICER REGULATIONS

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

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

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

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

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

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

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

22.510.12.8 HEARING OFFICER REGULATIONS:

A. The provisions of Paragraph I [now Subsection A of 22.510.12.8 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) Regular parole application hearings may be conducted before one member of the board or before a hearing officer designated by the board.

(a) The regular hearing procedures as set out in the rules and regulations of the parole board shall be followed.

(b) If only one board member or a hearing officer presides over such hearing, he shall prepare and submit a written summary of the proposed parole conditions and reasons therefor, and the proposed parole plan and reasons therefor, and other evidence and information as appropriate, with copies of all relevant documentation together with recommendations to the board within ten (10) working days of the close of the hearing for a decision by the full board.

(2) Parole revocation hearings may be conducted before one member of the board or before a hearing officer designated by the board.

(a) The regular hearing procedures as set out in the rules and regulations of the parole board shall be followed.

(b) If only one board member or a hearing officer presides over such hearing, he shall prepare and submit written findings of fact and conclusions of law together with a summary of the evidence presented at the hearing and recommendations to the full board within ten (10) working days of the close of the hearing for a decision by the full board.

(3) The time limits herein may be extended for cause by the board.

B. The provisions of Paragraph II [now Subsection B of 22.510.12.8 NMAC] apply to persons serving indeterminate sentences for crimes committed prior to July 1, 1979, and to persons serving indeterminate life sentences for crimes committed on or after July 1, 1979.

(1) Regular parole application hearing may be conducted before one member of the board or before a hearing officer designated by the board.

(a) The regular hearing procedures as set out in the rules and regulations of the parole board shall be followed.

(b) If only one board member or a hearing officer presides over such hearing, he shall prepare and submit a written summary of the testimony and other evidence, copies of all relevant documents together with recommendations to the board within ten (10) working days of the close of the hearing for a decision by the full board.

(2) Parole revocation hearings may be conducted before one member of the board or before a hearing officer designated by the board.

(a) The regular hearing procedures as set out in the rules and regulations of the parole board shall be followed.

(b) If only one board member or a hearing officer presides over such hearing, he shall prepare and submit written findings of fact and conclusions of law together with a summary of the evidence presented at the hearing and recommendations to the full board within ten (10) working days of the close of the hearing for a decision by the full board.

(3) The time limits herein may be extended for cause by the board.

[Recompiled 12/31/01]

HISTORY OF 22.510.12 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 82-11, Hearing Officer Regulations, filed 12/2/82.

History of Repealed Material: [RESERVED]