

This rule was filed as PB Rule 82-15.

TITLE 22 COURTS
CHAPTER 510 PAROLE
PART 16 RESCINDING PAROLE

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

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

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

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

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

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

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

22.510.16.8 RESCINDING PAROLE: The provisions in PB Rule 82.15 [now 22.510.16 NMAC] apply to all inmates.

A. Any inmate who has been granted a parole to the community, a consecutive sentence or a detainer, and who is found guilty of, or pleads guilty to having violated a prison rule or regulation which constitutes a misconduct report and finding of guilt after a due process hearing at the place of confinement, will be afforded a hearing before the parole board or a hearing officer designated by the board.

B. The hearing contemplated in this section will be a limited hearing solely on the issue of whether the violation warrants rescission of the board's previous favorable action.

C. The inmate will be permitted to present evidence he may have which is relevant to this one issue only.

D. In no instances will the board relitigate the issue of guilt.

E. The inmate may submit his evidence in mitigation, in writing.

F. The inmate may waive the right to have this hearing, and the board will then enter its decision in accordance therewith.

G. In all instances, the board will advise the inmate, in writing, of its decision.

[Recompiled 12/31/01]

HISTORY OF 22.510.16 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 82-15 Rescinding Parole, filed 12/2/82.

History of Repealed Material: [RESERVED]