

### **31-26-10.1. Crime victim presence at court proceedings; plea agreement notification.**

A. At any scheduled court proceeding, the court shall inquire on the record whether a victim is present for the purpose of making an oral statement or submitting a written statement respecting the victim's rights enumerated in Section [31-26-4](#) NMSA 1978. If the victim is not present, the court shall inquire on the record whether an attempt has been made to notify the victim of the proceeding. If the district attorney cannot verify that an attempt has been made, the court shall:

- (1) reschedule the hearing; or
- (2) continue with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement; and
- (3) order the district attorney to notify the victim of the rescheduled hearing.

B. The provisions of this section shall not limit the district attorney's ability to exercise prosecutorial discretion on behalf of the state in a criminal case.

C. The provisions of this section shall not require the court to continue or reschedule any proceedings if it would result in a violation of a jurisdictional rule.

**History:** [Laws 2005, ch. 283, § 1](#).

#### **ANNOTATIONS**

**Effective dates.** — Laws 2005, ch. 283 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective June 17, 2005, 90 days after adjournment of the legislature.

