

FORTY- FIFTH LEGISLATURE
SECOND SESSION, 2002

February 9, 2002

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 406

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 4, between lines 22 and 23, insert the following new Section 2 to read:

"Section 2. Section 32A-3B-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 75) is amended to read:

"32A-3B-3. PROTECTIVE CUSTODY--INTERFERENCE WITH PROTECTIVE CUSTODY--PENALTY.--

A. A child may be taken into protective custody by a law enforcement officer without a court order when the officer has reasonable grounds to believe that:

(1) the child has run away from the child's parent, guardian or custodian;

(2) the child without parental supervision is suffering from illness or injury;

(3) the child has been abandoned; [or]

(4) the child is endangered by his surroundings and removal from those surroundings is necessary to ensure the child's safety; or

(5) the child is in violation of a curfew ordinance and the officer is unable to contact the child's parent or guardian.

B. A child may be taken into protective custody pursuant to a court order issued after an agency legally charged with the supervision of the child has notified a law enforcement agency that the child has run away from a placement.

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C. When a child is taken into protective custody, the department shall make a reasonable effort to determine whether the child is an Indian child.

D. Any person, other than the child taken into protective custody, who interferes with placing the child in protective custody is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978. "".

2. Renumber the succeeding section accordingly.,
and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Mimi Stewart, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: Luna

Absent: Marquardt

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