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HOUSE BILL 418

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO CHILDREN; PROVIDING FOR LAW ENFORCEMENT REFERRALS TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT FOR SERVICES FOR RUNAWAY CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 29 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Runaway Child Information and Reporting Act"."

SECTION 2. A new section of Chapter 29 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEFINITION.--As used in the Runaway Child Information and Reporting Act, "runaway child" means a minor child who has left the child's lawfully prescribed home without

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1 the permission of the child's parent, guardian or custodian."

2 SECTION 3. A new section of Chapter 29 NMSA 1978 is  
3 enacted to read:

4 "[NEW MATERIAL] RUNAWAY CHILD REPORTS--LAW ENFORCEMENT  
5 AGENCIES--DUTIES.--Immediately upon receiving a report of a  
6 runaway child, a law enforcement agency shall notify the  
7 children, youth and families department of the runaway child by  
8 telephone, facsimile or electronic transmission and provide a  
9 copy of the report."

10 SECTION 4. A new section of Chapter 29 NMSA 1978 is  
11 enacted to read:

12 "[NEW MATERIAL] LOCATION OF RUNAWAY CHILD.--

13 A. If a law enforcement officer locates the runaway  
14 child, that officer shall immediately notify the runaway  
15 child's parent, guardian or custodian; the person who reported  
16 the child as a runaway; the law enforcement agency that  
17 received the runaway child report; and the children, youth and  
18 families department.

19 B. If the runaway child returns voluntarily to the  
20 child's home, the child's parent, guardian or custodian or the  
21 person who reported the child as a runaway shall immediately  
22 notify the law enforcement agency to which the report was made.  
23 That law enforcement agency shall immediately dispatch a law  
24 enforcement officer to the child's home to verify the child's  
25 presence and safety. The responding officer shall, immediately

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1 after, notify the children, youth and families department.

2 C. Based on the responding officer's report that a  
3 runaway child has returned home voluntarily, the children,  
4 youth and families department shall contact the child and the  
5 child's parent, guardian or custodian by telephone or in person  
6 to determine whether the child and family are in need of  
7 services. The children, youth and families department may  
8 refer the child to services provided by the child's school-  
9 based health center, if any, as well as any other appropriate  
10 services or agencies."

11 SECTION 5. Section 32A-1-21 NMSA 1978 (being Laws 2007,  
12 Chapter 185, Section 2, as amended) is amended to read:

13 "32A-1-21. RUNAWAY CHILD--LAW ENFORCEMENT--REQUIRED AND  
14 PERMITTED ACTS--FAILURE TO REPORT RUNAWAY CHILD--PENALTY.--

15 A. Whenever a law enforcement agency receives a  
16 report from a parent, guardian or custodian that a minor child  
17 over whom the parent, guardian or custodian has custody has,  
18 without permission, left the [~~home or residence~~] child's  
19 lawfully prescribed [~~for the child~~] home and the parent,  
20 guardian or custodian believes the child has run away, a law  
21 enforcement [~~agent~~] officer shall, in addition to making the  
22 missing child report required in Section 29-15-7.1 NMSA 1978,  
23 immediately notify the department.

24 B. A law enforcement officer may help the parent,  
25 guardian or custodian locate [~~the~~] a runaway child and, if the

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1 child is located:

2 (1) shall immediately notify the department;

3 ~~[A.]~~ (2) may return the child to the parent,  
4 guardian or custodian unless safety concerns are present;

5 provided that if safety concerns are present, the law

6 enforcement officer shall take the child into protective

7 custody following the procedures in Section 32A-3B-3 NMSA 1978;

8 ~~[B.]~~ (3) may hold the child for up to six  
9 hours if the parent, guardian or custodian cannot be located;  
10 provided, however, that no child shall be placed in a secured  
11 setting pursuant to this section; or

12 ~~[C.]~~ (4) shall consult with the department  
13 regarding the child's best interests and may, after the six

14 hours has expired, ~~[follow]~~ take the child into protective  
15 custody following the procedures ~~[outlined]~~ in Section 32A-3B-3  
16 NMSA 1978.

17 C. A parent, guardian or custodian of a runaway  
18 child who does not report the child as a runaway after the  
19 child has been absent from the home without permission for  
20 thirty-six hours or longer may be charged with a petty  
21 misdemeanor and if convicted shall be sentenced pursuant to the  
22 provisions of Section 31-19-1 NMSA 1978."