

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 29, 2025

Madam Chair:

I propose to the HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE the following amendments to

HOUSE BILL 39

1. On page 9, line 8, strike "Records" and insert in lieu thereof "Notwithstanding any other provision to the contrary, records".

2. On page 9, between lines 16 and 17, insert:

"SECTION 3. Section 32A-2-18 NMSA 1978 (being Laws 1993, Chapter 77, Section 47, as amended) is amended to read:

"32A-2-18. JUDGMENT--NONCRIMINAL NATURE--NONADMISSIBILITY--CONVICTION OF A CRIME.--

A. The court shall enter a judgment setting forth the court's findings and disposition in the proceeding. Except as provided in Subsection D of this section, a judgment in proceedings on a petition under the Delinquency Act resulting in a juvenile disposition shall not be deemed a conviction of crime nor shall it impose any civil disabilities ordinarily resulting from conviction of a crime nor shall it operate to disqualify the child in any civil service application or appointment. The juvenile disposition of a child and any evidence given in a hearing in court shall not be admissible as evidence against the child in any case or proceeding in any other tribunal whether before or after reaching the age of majority, except in sentencing proceedings after conviction of a

felony and then only for the purpose of a presentence study and report.

B. If a judgment resulting from a youthful offender or serious youthful offender proceeding under the Delinquency Act results in an adult sentence, a record of the judgment shall be admissible in any other case or proceeding in any other court involving the youthful offender or serious youthful offender.

C. If a judgment on a proceeding under the Delinquency Act results in an adult sentence, the determination of guilt at trial becomes a conviction for purposes of the Criminal Code.

D. A judgment in proceedings on a petition under the Delinquency Act resulting in a juvenile disposition for a delinquent act that would constitute a felony if committed by an adult shall be considered a conviction of a crime punishable by imprisonment for a term exceeding one year for the purpose of the federal Gun Control Act of 1968 for a period of ten years following the disposition, regardless of whether the judgment results in an adult sentence."

Respectfully submitted,

Kathleen Cates