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HOUSE BILL 472

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

ANNA MARIE CROOK

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING MUNICIPALITIES WITH
AUTHORITY TO ADOPT CURFEW ORDINANCES; VESTING CERTAIN COURTS
WITH EXCLUSIVE JURISDICTION OVER CURFEW VIOLATIONS; PRESCRIBING
PENALTIES; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 3-17-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-16-1, as amended) is amended to read:

"3-17-1. ORDINANCES--PURPOSES.--The governing body of a
municipality may adopt ordinances or resolutions not
inconsistent with the laws of New Mexico for the purpose of:

A. effecting or discharging the powers and duties
conferred by law upon the municipality;

B. providing for the safety, preserving the health,
promoting the prosperity and improving the morals, order,

Underscored material = new
[bracketed material] = delete

1 comfort and convenience of the municipality and its inhabitants;
2 and

3 C. enforcing obedience to the ordinances by
4 prosecution in the municipal court and metropolitan courts and
5 upon conviction the imposition of:

6 (1) except for those violations of ordinances
7 described in Paragraphs (2) [~~and (3)~~] through (4) of this
8 subsection, a fine of not more than five hundred dollars (\$500)
9 or imprisonment for not more than ninety days or both;

10 (2) for a violation of an ordinance prohibiting
11 driving a motor vehicle while under the influence of
12 intoxicating liquor or drugs, a fine of not more than one
13 thousand dollars (\$1,000) or imprisonment for not more than
14 three hundred sixty-four days or both; [~~and~~]

15 (3) for violations of an industrial user
16 wastewater pretreatment ordinance as required by the United
17 States environmental protection agency, a fine of not more
18 than one thousand dollars (\$1,000) a day for each violation; and

19 (4) for a violation of a curfew ordinance, a
20 fine of not more than five hundred dollars (\$500) or community
21 service or both. "

22 Section 2. Section 32A-2-29 NMSA 1978 (being Laws 1993,
23 Chapter 77, Section 58) is amended to read:

24 "32A-2-29. MOTOR VEHICLE CODE VIOLATIONS-- CURFEW
25 VIOLATIONS. --

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1 A. The municipal, magistrate or metropolitan court
2 shall have original exclusive jurisdiction over all Motor
3 Vehicle Code, [~~or~~] municipal traffic code or municipal curfew
4 violations when the person alleged to have committed the
5 violation is a child, with the exception of those violations
6 contained in Paragraph (1) of Subsection A of Section [~~32-2-3~~]
7 32A-2-3 NMSA 1978 and all traffic offenses alleged to have been
8 committed by the child arising out of the same occurrence
9 pursuant to Subsection B of this section.

10 B. If the [~~children's~~] court acquires jurisdiction
11 over a child pursuant to any of those Motor Vehicle Code
12 violations contained in Paragraph (1) of Subsection A of Section
13 [~~32-2-3~~] 32A-2-3 NMSA 1978, it shall have jurisdiction over all
14 traffic offenses alleged to have been committed by the child
15 arising out of the same occurrence.

16 C. All traffic offenses [~~which~~] that the child is
17 found to have committed by the municipal, magistrate or
18 metropolitan court or for which the child is adjudicated
19 delinquent by the children's court shall be subject to the
20 reporting requirements and the suspension and revocation
21 provisions of the Motor Vehicle Code and shall not be subject to
22 the confidentiality provisions of the Delinquency Act.

23 D. No tribunal may incarcerate any child who has
24 been found guilty of any Motor Vehicle Code or municipal traffic
25 code violations without first securing the approval of the

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1 [children's] court. "

2 Section 3. EFFECTIVE DATE. -- The effective date of the
3 provisions of this act is July 1, 1996.

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State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 7, 1996

Mr. Speaker:

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

HOUSE BILL 472

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HB 472

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 1 Against

Yes: 8

No: Pederson

Excused: Roberts, Wallace

Absent: None

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~~[bracketed material] = delete~~

State of New Mexico House of Representatives

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

February 13, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 472

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Cisco McSorley, Chairman

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 4 Against

Yes: 5
No: Foy, McSorley, Pederson, Stewart
Excused: Sanchez, R. G.
Absent: Baca, King, Luna

H0472JC1

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