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SENATE BILL 87

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

INTRODUCED BY

GLORIA HOWES

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, comfort and convenience of the municipality and its inhabitants; and

C. enforcing obedience to the ordinances by prosecution in the municipal

Underscored material = new
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1 court and metropolitan courts and upon conviction the imposition of:

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

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

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

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

13
14 Section 2. Section 32A-2-29 NMSA 1978 (being Laws 1993, Chapter 77, Section 58)
15 is amended to read:

16 "32A-2-29. MOTOR VEHICLE CODE VIOLATIONS--CURFEW VIOLATIONS--

17 A. The municipal, magistrate or metropolitan court shall have original
18 exclusive jurisdiction over all Motor Vehicle Code, [~~or~~] municipal traffic code or municipal
19 curfew violations when the person alleged to have committed the violation is a child, with the
20 exception of those violations contained in Paragraph (1) of Subsection A of Section [~~32-2-3~~]
21 32A-2-3 NMSA 1978 and all traffic offenses alleged to have been committed by the child
22 arising out of the same occurrence pursuant to Subsection B of this section.

23
24 B. If the [~~children's~~] court acquires jurisdiction over a child pursuant to any of
25 those Motor Vehicle Code violations contained in Paragraph (1) of Subsection A of Section
[~~32-2-3~~] 32A-2-3 NMSA 1978, it shall have jurisdiction over all traffic offenses alleged to have
been committed by the child arising out of the same occurrence.

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

D. No tribunal may incarcerate any child who has been found guilty of any Motor Vehicle Code or municipal traffic code violations without first securing the approval of the ~~[children's]~~ court."

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

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

3
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5 JANUARY 31, 1996

6
7 Mr. President:

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9 Your **COMMITTEES' COMMITTEE**, to whom has been referred

10
11 **SENATE BILL 87**

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14 has had it under consideration and finds same to be **GERMANE**, PURSUANT TO HOUSE
15 EXECUTIVE MESSAGE FORTY SEVEN, and thence referred to the **PUBLIC AFFAIRS**
16 **COMMITTEE.**

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18 Respectfully submitted,

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25 **SENATOR MANNY M. ARAGON, Chairman**

Adopted _____ Not Adopted _____

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~~[bracketed material] = delete~~

(Chief Clerk)

(Chief Clerk)

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Date _____

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