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SENATE BILL 411

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Gloria Howes

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING MUNICIPALITIES WITH  
AUTHORITY TO ADOPT CURFEW ORDINANCES; DESIGNATING COURT  
JURISDICTION FOR 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

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1 inhabitants; and

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

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

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

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

19 (4) for a violation of a curfew ordinance, a  
20 fine of not more than two hundred fifty dollars (\$250) or  
21 performance of community services 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.--

25 A. The municipal, magistrate or metropolitan court  
shall have original exclusive jurisdiction over all Motor  
Vehicle Code ~~[or]~~ violations, municipal traffic code

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1 violations and municipal curfew violations when the person  
2 alleged to have committed the violation is a child, with the  
3 exception of those violations contained in Paragraph (1) of  
4 Subsection A of Section [~~32-2-3~~] 32A-2-3 NMSA 1978 and all  
5 traffic offenses alleged to have been committed by the child  
6 arising out of the same occurrence pursuant to Subsection B  
7 of this section.

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

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

21 D. [~~No~~] A tribunal may not incarcerate [~~any~~] a  
22 child who has been found guilty of [~~any~~] a Motor Vehicle Code  
23 [~~or~~] violation, a municipal traffic code [violations]  
24 violation or a municipal curfew violation without first  
25 securing the approval of the [~~children's~~] court."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2000.

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