

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE JOINT MEMORIAL 46**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**Rick Miera**

**A JOINT MEMORIAL**

**REQUESTING THE APPOINTMENT OF A TASK FORCE TO STUDY AND  
RECOMMEND REVISIONS TO THE CHILDREN'S CODE.**

**WHEREAS, the present Children's Code was enacted into law  
in 1972, and rewritten in 1981 and 1993, and there have been  
numerous piecemeal amendments to the code since 1993 as well;  
and**

**WHEREAS, in the thirty years since enactment of the  
Children's Code, there have been significant legal and social  
changes that call for another review and update of the code;  
and**

**WHEREAS, the offenses perpetrated by young offenders  
appear to be growing more serious in nature; and**

**WHEREAS, the New Mexico council on crime and delinquency,  
a nonprofit organization, will dedicate the necessary**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 resources to aid in staffing a task force, comprised of  
2 experts from around the state, to study and update the  
3 Children's Code, provided that the necessary resources are  
4 available; and

5 WHEREAS, a database has been developed containing the  
6 children's codes from all fifty states, and the university of  
7 New Mexico school of law has indicated it will assign students  
8 to help staff and do legal research for the task force; and

9  
10 WHEREAS, regional hearings will be held statewide and  
11 surveys will be distributed to obtain input on changes needed  
12 in the Children's Code; and

13 WHEREAS, there are now twenty-one articles in the  
14 Children's Code that must be examined for needed changes as  
15 they relate to the Delinquency Act; and

16 WHEREAS, the Delinquency Act has the primary need for  
17 revision as it relates to such concerns as minors driving  
18 while under the influence of intoxicating liquor or drugs,  
19 detention criteria, administrative placement and duties of  
20 juvenile probation and parole officers and the ages at which  
21 children are sentenced as adults; and

22 WHEREAS, proposed amendments to the Family in Need of  
23 Services Act were drafted in 2002 but not introduced as  
24 legislation, and the Compulsory School Attendance Law, which  
25 is dependent on the Family in Need of Services Act, was also

. 140367. 1

underscored material = new  
[bracketed material] = delete

1 not amended at that time, and input from a coalition of school  
2 administrators, teachers associations, local law enforcement  
3 groups and the state department of public education is  
4 necessary;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
6 STATE OF NEW MEXICO that a task force be appointed to study  
7 and recommend revisions to the Children's Code; and

8 BE IT FURTHER RESOLVED that the New Mexico council on  
9 crime and delinquency be requested to report its findings and  
10 proposed revisions to the Children's Code to the appropriate  
11 legislative interim committee in a timely manner so that it  
12 may prepare proposed legislation for the first session of the  
13 forty-sixth legislature; and

14 BE IT FURTHER RESOLVED that the judiciary; the children,  
15 youth and families department; the human services department;  
16 the department of health; the state department of public  
17 education; and other appropriate executive agencies cooperate  
18 and provide appropriate resources and expertise in this effort  
19 to review and revise the Children's Code; and

20 BE IT FURTHER RESOLVED that copies of this memorial be  
21 transmitted to the members of the New Mexico legislative  
22 council; the secretary of children, youth and families; the  
23 secretary of corrections; the secretary of human services; the  
24 secretary of health; the superintendent of public instruction;  
25 and to the New Mexico supreme court for distribution to the

underscored material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

district courts.