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HOUSE BILL 271

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Antonio "Moe" Maestas

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE AND
THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING LAW ENFORCEMENT TO
IDENTIFY MINOR OR DEPENDENT CHILDREN UPON AN ARREST; PROVIDING
FOR GUIDELINES AND A TRAINING PROGRAM FOR ENSURING CHILD SAFETY
UPON THE ARREST OF A PARENT OR GUARDIAN; MAKING AN
APPROPRIATION.

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

Section 1. A new section of the Law Enforcement Training
Act is enacted to read:

"[NEW MATERIAL] ENSURING CHILD SAFETY UPON ARREST--
TRAINING.--Training for ensuring child safety upon the arrest
of a parent or guardian shall be included in the curriculum of
each basic law enforcement training class and as a component of
in-service training each year for certified police officers."

Section 2. A new section of Chapter 31, Article 1 NMSA

.163842.1

underscored material = new
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1 1978 is enacted to read:

2 "[NEW MATERIAL] IDENTIFICATION OF MINOR OR DEPENDENT
3 CHILDREN UPON ARREST--REQUIRED INQUIRY--GUIDELINES.--

4 A. A state or local law enforcement officer who
5 arrests a person shall, at the time of the arrest, inquire
6 whether the person is a parent or guardian of minor or
7 dependent children who may be at risk as a result of the
8 arrest. The officer shall make reasonable efforts to ensure
9 the safety of minor or dependent children at risk as a result
10 of an arrest in accordance with guidelines established by the
11 department of public safety.

12 B. The department of public safety, in consultation
13 with the children, youth and families department, shall
14 establish guidelines and a training program for law enforcement
15 officers for ensuring child safety upon the arrest of a parent
16 or guardian. The guidelines and training program shall
17 include:

18 (1) procedures to ensure that law enforcement
19 officers inquire whether arrestees have minor or dependent
20 children who may be present or at another location at the time
21 of the arrest;

22 (2) procedures for the proper arrangement of
23 temporary care for children to ensure their safety and well-
24 being; and

25 (3) education on how the effects of witnessing

.163842.1

underscoring material = new
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1 a violent crime or other event causes emotional harm to
2 children and how law enforcement can assist in mitigating the
3 long-term effects of the trauma."

4 Section 3. APPROPRIATION.--One hundred thousand dollars
5 (\$100,000) is appropriated from the general fund to the
6 department of public safety for expenditure in fiscal year 2008
7 to develop guidelines, protocols and a training program for law
8 enforcement officers on ensuring child safety upon the arrest
9 of a parent or guardian. Any unexpended or unencumbered
10 balance remaining at the end of fiscal year 2008 shall revert
11 to the general fund.