

1 SENATE BILL 406

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Harold Pope

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9  
10 AN ACT

11 RELATING TO JURISDICTION; PROVIDING FOR CONCURRENT JURISDICTION  
12 ON VIOLATION OF LAWS BY A CHILD ON MILITARY INSTALLATIONS.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 19-2-2 NMSA 1978 (being Laws 1963,  
16 Chapter 262, Section 1) is amended to read:

17 "19-2-2. JURISDICTION--TRANSFER PROCEDURE.--

18 A. In order to acquire all or any measure of  
19 legislative jurisdiction of the kind involved in Article I,  
20 Section 8, Clause 17 of the constitution of the United States  
21 over any land or other area or in order to relinquish such  
22 legislative jurisdiction or any measure thereof ~~[which]~~ that  
23 may be vested in the United States, the United States, acting  
24 through a duly authorized department, agency or officer, shall  
25 file with the governor a notice of intention to acquire or

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1 relinquish such legislative jurisdiction, together with a  
2 sufficient number of duly authenticated copies [~~thereof~~] to  
3 meet the recording requirements of Subsection C of this section  
4 [~~with the governor~~]. The notice shall contain a description  
5 adequate to permit accurate identification of the boundaries of  
6 the land or other area for which the change in jurisdictional  
7 status is sought and a precise statement of the measure of  
8 legislative jurisdiction sought to be transferred. Immediately  
9 upon receipt of the notice, the governor shall furnish the  
10 attorney general with a copy of it and shall request [~~his~~] the  
11 attorney general's comments and recommendations.

12 B. The governor shall transmit the notice, together  
13 with [~~his~~] the governor's comments and recommendations, if any,  
14 and the comments and recommendations of the attorney general,  
15 if any, to the next session of the legislature. Unless prior  
16 to the expiration of the legislative session to which the  
17 notice is transmitted the legislature has adopted a resolution  
18 approving the transfer of legislative jurisdiction as proposed  
19 in the notice, the transfer shall not be effective.

20 C. The governor shall cause a duly authenticated  
21 copy of the notice and resolution to be recorded in the office  
22 of the county clerk of the county where the land or other area  
23 affected by the transfer of jurisdiction is situated, and, upon  
24 such recordation, the transfer of jurisdiction shall take  
25 effect. If the land or other area is situated in more than one

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1 county, a duly authenticated copy of the notice and resolution  
2 shall be recorded in the county clerk's office of each such  
3 county.

4 D. The governor shall cause copies of all documents  
5 recorded pursuant to [~~this act~~] Sections 19-2-2 through 19-2-4  
6 NMSA 1978 to be filed with the state law library.

7 E. Upon request of the United States, the state  
8 shall establish concurrent jurisdiction over a military  
9 installation in matters relating to violations of law by a  
10 child as defined in Section 32A-1-4 NMSA 1978 within its  
11 boundaries. This shall not be considered a relinquishment or  
12 transfer of any other jurisdiction."

13 SECTION 2. Section 32A-1-8 NMSA 1978 (being Laws 1993,  
14 Chapter 77, Section 17, as amended) is amended to read:

15 "32A-1-8. JURISDICTION OF THE COURT--TRIBAL COURT  
16 JURISDICTION--EXCEPTION.--

17 A. The court has exclusive original jurisdiction of  
18 all proceedings under the Children's Code in which a person is  
19 eighteen years of age or older and was a child at the time the  
20 alleged act in question was committed or is a child alleged to  
21 be:

22 (1) a delinquent child;

23 (2) a child of a family in need of court-  
24 ordered services or a child in need of services pursuant to the  
25 Family in Need of Court-Ordered Services Act;

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- 1 (3) a neglected child;  
2 (4) an abused child;  
3 (5) a child subject to adoption; or  
4 (6) a child subject to placement for a  
5 developmental disability or a mental disorder.

6 B. The court has exclusive original jurisdiction to  
7 emancipate a minor.

8 C. The provisions of the Indian Family Protection  
9 Act govern child custody proceedings involving Indian children.  
10 To the extent the provisions of the Indian Family Protection  
11 Act conflict with the Children's Code, the provisions of the  
12 Indian Family Protection Act shall apply.

13 D. During abuse or neglect proceedings in which New  
14 Mexico is the home state, pursuant to the provisions of the  
15 Uniform Child-Custody Jurisdiction and Enforcement Act, the  
16 court shall have jurisdiction over both parents to determine  
17 the best interest of the child and to decide all matters  
18 incident to the court proceedings.

19 E. Pursuant to Subsection E of Section 19-2-2 NMSA  
20 1978, the court has jurisdiction over any case involving an act  
21 that is a violation of law allegedly committed by a child  
22 within the boundaries of a military installation.

23 [~~E.~~] F. The court may acquire jurisdiction over a  
24 Motor Vehicle Code or municipal traffic code violation as set  
25 forth in Section 32A-2-29 NMSA 1978."

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