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SENATE BILL 116

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

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,

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1 order, comfort and convenience of the municipality and its
2 inhabitants; and

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

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

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

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

21 (4) for a violation of a curfew ordinance, a
22 fine of not more than two hundred fifty dollars (\$250) or
23 community service, or both. "

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

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1 "32A-2-29. MOTOR VEHICLE CODE VIOLATIONS-- CURFEW

2 VIOLATIONS. --

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

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

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

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D. ~~[No]~~ A tribunal may not incarcerate ~~[any]~~ a child who has been found guilty of any Motor Vehicle Code ~~[or]~~ violations, municipal traffic code violations or municipal curfew 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, 1999.

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