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HOUSE BILL 182

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO DELINQUENCY; PROVIDING THAT A VIOLATION OF A CURFEW
ORDINANCE IS A DELINQUENT ACT.

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

SECTION 1. Section 32A-2-3 NMSA 1978 (being Laws 1993,
Chapter 77, Section 32, as amended) is amended to read:

"32A-2-3. DEFINITIONS.--As used in the Delinquency Act:

A. "delinquent act" means:

(1) an act committed by a child that would be
designated as a crime under the law if committed by an adult,
not including a violation of Section 30-9-2 NMSA 1978,
including the following offenses:

~~[(1)]~~ (a) any of the following offenses
pursuant to municipal traffic codes or the Motor Vehicle Code:

~~[(a)]~~ 1) driving while under the influence of intoxicating

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1 liquor or drugs; [~~(b)~~] 2) failure to stop in the event of an
2 accident causing death, personal injury or damage to property;
3 [~~(e)~~] 3) unlawful taking of a vehicle or motor vehicle; [~~(d)~~]
4 4) receiving or transferring of a stolen vehicle or motor
5 vehicle; [~~(e)~~] 5) homicide by vehicle; [~~(f)~~] 6) injuring or
6 tampering with a vehicle; [~~(g)~~] 7) altering or changing of an
7 engine number or other vehicle identification numbers; [~~(h)~~] 8)
8 altering or forging of a driver's license or permit or any
9 making of a fictitious license or permit; [~~(i)~~] 9) reckless
10 driving; [~~(j)~~] 10) driving with a suspended or revoked license;
11 or [~~(k)~~] 11) an offense punishable as a felony;

12 [~~(2)~~] ~~buying, attempting to buy, receiving,~~
13 ~~possessing or being served any alcoholic liquor or being~~
14 ~~present in a licensed liquor establishment, other than a~~
15 ~~restaurant or a licensed retail liquor establishment, except in~~
16 ~~the presence of the child's parent, guardian, custodian or~~
17 ~~adult spouse. As used in this paragraph, "restaurant" means an~~
18 ~~establishment where meals are prepared and served primarily for~~
19 ~~on-premises consumption and that has a dining room, a kitchen~~
20 ~~and the employees necessary for preparing, cooking and serving~~
21 ~~meals. "Restaurant" does not include an establishment, as~~
22 ~~defined in regulations promulgated by the director of the~~
23 ~~special investigations unit of the department of public safety,~~
24 ~~that serves only hamburgers, sandwiches, salads and other fast~~
25 ~~foods;~~

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1 ~~(3)~~] (b) a violation of Section 30-29-2
2 NMSA 1978, regarding the illegal use of a glue, aerosol spray
3 product or other chemical substance;

4 ~~(4)~~] (c) a violation of the Controlled
5 Substances Act;

6 ~~(5)~~] (d) escape from the custody of a
7 law enforcement officer or a juvenile probation or parole
8 officer or from any placement made by the department by a child
9 who has been adjudicated a delinquent child;

10 ~~(6)~~] (e) a violation of Section
11 30-15-1.1 NMSA 1978 regarding unauthorized graffiti on personal
12 or real property;

13 ~~(7)~~] (f) a violation of an order of
14 protection issued pursuant to the provisions of the Family
15 Violence Protection Act; or

16 ~~(8)~~] (g) trafficking cannabis as
17 provided in Section 26-2C-28 NMSA 1978; or

18 (2) any of the following activities:

19 (a) attempting to buy, receiving,
20 possessing or being served any alcoholic liquor or being
21 present in a licensed liquor establishment, other than a
22 restaurant or a licensed retail liquor establishment, except in
23 the presence of the child's parent, guardian, custodian or
24 adult spouse. As used in this subparagraph, "restaurant" means
25 an establishment where meals are prepared and served primarily

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1 for on-premises consumption and that has a dining room, a
2 kitchen and the employees necessary for preparing, cooking and
3 serving meals. "Restaurant" does not include an establishment,
4 as defined in regulations promulgated by the director of the
5 special investigations unit of the department of public safety,
6 that serves only hamburgers, sandwiches, salads and other fast
7 foods; or

8 (b) violating a curfew ordinance adopted
9 by the governing body of a county or municipality;

10 B. "delinquent child" means a child who has
11 committed a delinquent act;

12 C. "delinquent offender" means a delinquent child
13 who is subject to juvenile sanctions only and who is not a
14 youthful offender or a serious youthful offender;

15 D. "detention facility" means a place where a child
16 may be detained under the Children's Code pending a court
17 hearing and does not include a facility for the care and
18 rehabilitation of an adjudicated delinquent child;

19 E. "felony" means an act that would be a felony if
20 committed by an adult;

21 F. "misdemeanor" means an act that would be a
22 misdemeanor or petty misdemeanor if committed by an adult;

23 G. "restitution" means financial reimbursement by
24 the child to the victim or community service imposed by the
25 court and is limited to easily ascertainable damages for injury

1 to or loss of property, actual expenses incurred for medical,
2 psychiatric and psychological treatment for injury to a person
3 and lost wages resulting from physical injury, which are a
4 direct and proximate result of a delinquent act. "Restitution"
5 does not include reimbursement for damages for mental anguish,
6 pain and suffering or other intangible losses. As used in this
7 subsection, "victim" means a person who is injured or suffers
8 damage of any kind by an act that is the subject of a complaint
9 or referral to law enforcement officers or juvenile probation
10 authorities. Nothing contained in this definition limits or
11 replaces the provisions of Subsections A and B of Section
12 32A-2-27 NMSA 1978;

13 H. "serious youthful offender" means an individual
14 fifteen to eighteen years of age who is charged with and
15 indicted or bound over for trial for first degree murder. A
16 "serious youthful offender" is not a delinquent child as
17 defined pursuant to the provisions of this section;

18 I. "supervised release" means the release of a
19 juvenile, whose term of commitment has not expired, from a
20 facility for the care and rehabilitation of adjudicated
21 delinquent children, with specified conditions to protect
22 public safety and promote successful transition and
23 reintegration into the community. A juvenile on supervised
24 release is subject to monitoring by the department until the
25 term of commitment has expired and may be returned to custody

1 for violating conditions of release; and

2 J. "youthful offender" means a delinquent child
3 subject to adult or juvenile sanctions who is:

4 (1) fourteen to eighteen years of age at the
5 time of the offense and who is adjudicated for at least one of
6 the following offenses:

7 (a) second degree murder, as provided in
8 Section 30-2-1 NMSA 1978;

9 (b) assault with intent to commit a
10 violent felony, as provided in Section 30-3-3 NMSA 1978;

11 (c) kidnapping, as provided in Section
12 30-4-1 NMSA 1978;

13 (d) aggravated battery, as provided in
14 Subsection C of Section 30-3-5 NMSA 1978;

15 (e) aggravated battery against a
16 household member, as provided in Subsection C of Section
17 30-3-16 NMSA 1978;

18 (f) aggravated battery upon a peace
19 officer, as provided in Subsection C of Section 30-22-25 NMSA
20 1978;

21 (g) shooting at a dwelling or occupied
22 building or shooting at or from a motor vehicle, as provided in
23 Section 30-3-8 NMSA 1978;

24 (h) dangerous use of explosives, as
25 provided in Section 30-7-5 NMSA 1978;

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1 (i) criminal sexual penetration, as
2 provided in Section 30-9-11 NMSA 1978;

3 (j) robbery, as provided in Section
4 30-16-2 NMSA 1978;

5 (k) aggravated burglary, as provided in
6 Section 30-16-4 NMSA 1978;

7 (l) aggravated arson, as provided in
8 Section 30-17-6 NMSA 1978; or

9 (m) abuse of a child that results in
10 great bodily harm or death to the child, as provided in Section
11 30-6-1 NMSA 1978;

12 (2) fourteen to eighteen years of age at the
13 time of the offense, who is adjudicated for any felony offense
14 and who has had three prior, separate felony adjudications
15 within a three-year time period immediately preceding the
16 instant offense. The felony adjudications relied upon as prior
17 adjudications shall not have arisen out of the same transaction
18 or occurrence or series of events related in time and location.
19 Successful completion of consent decrees is not considered a
20 prior adjudication for the purposes of this paragraph; or

21 (3) fourteen years of age and who is
22 adjudicated for first degree murder, as provided in Section
23 30-2-1 NMSA 1978."