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HOUSE BILL 217

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Daniel R. Foley

AN ACT

RELATING TO JUVENILE JUSTICE; PROVIDING MAGISTRATE COURTS WITH
CONCURRENT JURISDICTION OVER MISDEMEANOR VIOLATIONS OF
MUNICIPAL TRAFFIC CODES AND THE MOTOR VEHICLE CODE; ENACTING A
SECTION OF THE DELINQUENCY ACT.

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

Section 1. A new section of the Delinquency Act is
enacted to read:

"[NEW MATERIAL] JURISDICTION FOR MISDEMEANOR VIOLATIONS OF
MUNICIPAL TRAFFIC CODES AND THE MOTOR VEHICLE CODE. --

A. Notwithstanding other provisions of the
Children's Code and subject to the exception set forth in
Subsection B of this section, a magistrate court shall have
concurrent jurisdiction over misdemeanor violations of
municipal traffic codes and the Motor Vehicle Code, when the

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1 person alleged to have committed the offense is a child who has
2 no more than one prior adjudication for a violation of a
3 municipal traffic code or the Motor Vehicle Code.

4 B. A magistrate court shall not incarcerate a child
5 who has been adjudicated for a misdemeanor violation of a
6 municipal traffic code or the Motor Vehicle Code without first
7 securing approval of the children's court.

8 C. If the children's court acquires jurisdiction
9 over a child pursuant to the alleged commission of a delinquent
10 act other than a misdemeanor violation of a municipal traffic
11 code or the Motor Vehicle Code, it shall have jurisdiction over
12 all offenses alleged to have been committed by the child
13 arising out of the same occurrence.

14 D. When a magistrate court finds that a child
15 committed a misdemeanor violation of a municipal traffic code
16 or the Motor Vehicle Code, it shall forward a copy of the
17 disposition to the district court. The district court shall
18 maintain a registry of such disposition reports received from a
19 magistrate court. "

20 Section 2. EFFECTIVE DATE. --The effective date of the
21 provisions of this act is July 1, 2005.