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HOUSE BILL 32

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

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO JUVENILES; REQUIRING NOTIFICATION TO THE
APPROPRIATE SCHOOL DISTRICT WHEN A CHILD IS THE SUBJECT OF A
DELINQUENCY PETITION INVOLVING CERTAIN OFFENSES.

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] SCHOOL NOTIFICATION.--

A. Notwithstanding any other provision of law, the
department shall immediately notify the superintendent of the
school district where the child resides and the principal of
any private school in which the child is enrolled of a
delinquency petition filed concerning the child, if the
petition involves one of the following offenses:

- (1) murder, as provided in Section 30-2-1 NMSA

underscored material = new
[bracketed material] = delete

1 1978;

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

4 (3) kidnapping, as provided in Section 30-4-1
5 NMSA 1978;

6 (4) aggravated battery, as provided in
7 Subsection C of Section 30-3-5 NMSA 1978;

8 (5) aggravated battery against a household
9 member, as provided in Subsection C of Section 30-3-16 NMSA
10 1978;

11 (6) aggravated battery upon a peace officer,
12 as provided in Subsection C of Section 30-22-25 NMSA 1978;

13 (7) shooting at a dwelling or occupied
14 building or shooting at or from a motor vehicle, as provided in
15 Section 30-3-8 NMSA 1978;

16 (8) dangerous use of explosives, as provided
17 in Section 30-7-5 NMSA 1978;

18 (9) criminal sexual penetration, as provided
19 in Section 30-9-11 NMSA 1978;

20 (10) criminal sexual contact of a minor, as
21 provided in Section 30-9-13 NMSA 1978;

22 (11) aggravated stalking, as provided in
23 Section 30-3A-3.1 NMSA 1978;

24 (12) robbery, as provided in Section 30-16-2
25 NMSA 1978;

.164153.1

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1 (13) aggravated burglary, as provided in
2 Section 30-16-4 NMSA 1978;

3 (14) aggravated arson, as provided in Section
4 30-17-6 NMSA 1978; or

5 (15) abuse of a child that results in great
6 bodily harm or death to the child, as provided in Section
7 30-6-1 NMSA 1978.

8 B. Notification of the filing of a delinquency
9 petition pursuant to Subsection A of this section shall become
10 part of a child's school record until the child obtains a high
11 school diploma or a general educational development
12 certificate, at which time the notification of and all
13 reference to the delinquency petition shall be purged from
14 school records.

15 C. All reference to a delinquency petition filed
16 concerning a child shall be confidential and not subject to
17 disclosure, except to authorized employees and agents of the
18 school district or private school.

19 D. The department and the public education
20 department shall promulgate rules for implementing school
21 notification procedures pursuant to this section."