

1 SENATE JOINT MEMORIAL 31

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE INTERIM COURTS, CORRECTIONS AND JUSTICE
12 COMMITTEE, OR ITS SUCCESSOR, TO EXAMINE THE FEASIBILITY OF
13 ENACTING LOCAL JUVENILE CURFEWS TO COMBAT SCHOOL TRUANCY IN NEW
14 MEXICO.

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16 WHEREAS, truancy has been clearly identified as one of the
17 early warning signs of students headed for potential delinquent
18 activity, social isolation or educational failure; and

19 WHEREAS, students who are truants have been shown to be at
20 higher risk for substance abuse, teen pregnancy, delinquency,
21 serious criminal behavior, gang activity and dropping out of
22 school; and

23 WHEREAS, adults who were chronically truant from school
24 when young are at elevated risk for poor physical and mental
25 health, poverty, incarceration and raising children who exhibit

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1 behavioral problems; and

2 WHEREAS, a national study found that at least eleven
3 percent of eighth grade students and sixteen percent of tenth
4 grade students reported having been truant at least once in the
5 previous four weeks; and

6 WHEREAS, a national survey of school principals found that
7 principals consider truancy to be one of the top three most
8 serious discipline issues in their schools; and

9 WHEREAS, several states have enacted laws to allow local
10 governments to establish juvenile curfews to combat truancy and
11 in 1996, the city of Albuquerque passed an ordinance
12 establishing such a curfew; and

13 WHEREAS, the juvenile curfew laws of several states and
14 Albuquerque's juvenile curfew ordinance have been struck down
15 as unconstitutional; and

16 WHEREAS, because of the constitutional issues involved,
17 enacting a law to allow local governments to enact daytime
18 juvenile curfews is a complex issue that requires careful
19 examination and study;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the interim courts, corrections and
22 justice committee, or its successor, be requested to work with
23 representatives from the public education department,
24 department of public safety, children, youth and families
25 department, administrative office of the courts and New Mexico

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1 municipal league to study the feasibility of and procedure for
2 allowing local governments to enact juvenile curfew laws; and

3 BE IT FURTHER RESOLVED that the task force also study the
4 law enforcement entities that are best equipped to enforce
5 juvenile curfew laws, including local law enforcement officers
6 and local truancy officers; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the co-chairs of the interim courts, corrections
9 and justice committee, or its successor, the public education
10 department, the department of public safety, the children,
11 youth and families department, the administrative office of the
12 courts and the New Mexico municipal league.