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SENATE BILL 320

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

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO JUVENILE JUSTICE; PROVIDING MUNICIPAL, MAGISTRATE AND METROPOLITAN COURTS WITH AUTHORITY TO IMMOBILIZE A MOTOR VEHICLE WHEN A BENCH WARRANT IS ISSUED TO A CHILD FOR FAILURE TO PAY FINES OWED FOR TRAFFIC VIOLATIONS OR FAILURE TO RESPOND TO ALLEGED TRAFFIC VIOLATIONS.

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

Section 1. Section 32A-2-29 NMSA 1978 (being Laws 1993, Chapter 77, Section 58, as amended) is amended to read:

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

A. The municipal, magistrate or metropolitan court shall have original exclusive jurisdiction over all Motor Vehicle Code or municipal traffic code violations when the person alleged to have committed the violation is a child, with

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1 the exception of those violations contained in Paragraph (1) of
2 Subsection A of Section 32A-2-3 NMSA 1978 and all traffic
3 offenses alleged to have been committed by the child arising
4 out of the same occurrence pursuant to Subsection B of this
5 section. When a child fails to pay fines owed to a municipal,
6 magistrate or metropolitan court for Motor Vehicle Code or
7 municipal traffic code violations or fails to appear before a
8 municipal, magistrate or metropolitan court to answer
9 allegations regarding Motor Vehicle Code or municipal traffic
10 code violations, that court may issue a bench warrant for the
11 child. Upon service of the warrant, the motor vehicle the
12 child is driving shall be immobilized by an immobilization
13 device for up to five days, or until a parent or legal guardian
14 appears with the child before the court, unless immobilization
15 of the motor vehicle poses an imminent danger to the health,
16 safety or employment of the child's immediate family or the
17 family of the owner of the motor vehicle. Local law
18 enforcement agencies shall provide the immobilization devices,
19 and the child shall bear the cost of immobilizing the motor
20 vehicle.

21 B. If the children's court acquires jurisdiction
22 over a child pursuant to any of those Motor Vehicle Code
23 violations contained in Paragraph (1) of Subsection A of
24 Section 32A-2-3 NMSA 1978, it shall have jurisdiction over all
25 traffic offenses alleged to have been committed by the child

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1 arising out of the same occurrence.

2 C. All traffic offenses [~~which~~] that the child is
3 found to have committed by the municipal, magistrate or
4 metropolitan court or for which the child is adjudicated
5 delinquent by the children's court shall be subject to the
6 reporting requirements and the suspension and revocation
7 provisions of the Motor Vehicle Code and shall not be subject
8 to the confidentiality provisions of the Delinquency Act.

9 D. Only the children's court may incarcerate a
10 child who has been found guilty of any Motor Vehicle Code or
11 municipal traffic code violations. "

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

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