

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 68

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

AN ACT

RELATING TO JUVENILES; REQUIRING NOTIFICATION TO THE
APPROPRIATE SCHOOL DISTRICT WHEN A CHILD IS ADJUDICATED FOR
CERTAIN OFFENSES; REQUIRING CONFIDENTIALITY; PROVIDING FOR
PURGING OF REFERENCES TO AN ADJUDICATION IN SCHOOL RECORDS.

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. The department shall notify the superintendent
of the school district where a child resides or is currently
enrolled and the head administrator of any charter or private
school where a child is enrolled when the child has been
adjudicated for one of the following offenses:

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

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;

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underscored material = new
[bracketed material] = delete

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 shall occur within thirty days of
9 adjudication and shall become part of the child's school
10 record, provided that the notification of and all reference to
11 the adjudication shall be purged from school records when any
12 of the following occurs:

13 (1) the records relating to the adjudication
14 have been sealed pursuant to the provisions of the Delinquency
15 Act;

16 (2) the child obtains a high school diploma or
17 a general educational development certificate; or

18 (3) the child has not attended any school in
19 the school district for three years.

20 C. All reference to a delinquency petition filed
21 concerning a child shall be confidential and not subject to
22 disclosure, except to authorized employees and agents of the
23 school district, charter school or private school that have a
24 legitimate educational interest as defined in the federal
25 Family Educational Rights and Privacy Act.

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