

1 SENATE BILL 198

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Gay G. Kernan

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6
7 FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE AND
8 THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; REQUIRING LAW ENFORCEMENT TO
12 IDENTIFY MINOR OR DEPENDENT CHILDREN UPON AN ARREST; PROVIDING
13 FOR GUIDELINES AND A TRAINING PROGRAM FOR ENSURING CHILD SAFETY
14 UPON THE ARREST OF A PARENT OR GUARDIAN; MAKING AN
15 APPROPRIATION.

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

18 Section 1. A new section of the Law Enforcement Training
19 Act is enacted to read:

20 "[NEW MATERIAL] ENSURING CHILD SAFETY UPON ARREST--
21 TRAINING.--Training for ensuring child safety upon the arrest
22 of a parent or guardian shall be included in the curriculum of
23 each basic law enforcement training class and as a component of
24 in-service training each year for certified police officers."

25 Section 2. A new section of Chapter 31, Article 1 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] IDENTIFICATION OF MINOR OR DEPENDENT
3 CHILDREN UPON ARREST--REQUIRED INQUIRY--GUIDELINES.--

4 A. A state or local law enforcement officer who
5 arrests a person shall, at the time of the arrest, inquire
6 whether the person is a parent or guardian of minor or
7 dependent children who may be at risk as a result of the
8 arrest. The officer shall make reasonable efforts to ensure
9 the safety of minor or dependent children at risk as a result
10 of an arrest in accordance with guidelines established by the
11 department of public safety.

12 B. The department of public safety, in consultation
13 with the children, youth and families department, shall
14 establish guidelines and a training program for law enforcement
15 officers for ensuring child safety upon the arrest of a parent
16 or guardian. The guidelines and training program shall
17 include:

18 (1) procedures to ensure that law enforcement
19 officers inquire whether arrestees have minor or dependent
20 children who may be present or at another location at the time
21 of the arrest;

22 (2) procedures for the proper arrangement of
23 temporary care for children to ensure their safety and well-
24 being; and

25 (3) education on how the effects of witnessing

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1 a violent crime or other event causes emotional harm to
2 children and how law enforcement can assist in mitigating the
3 long-term effects of the trauma."

4 Section 3. APPROPRIATION.--One hundred thousand dollars
5 (\$100,000) is appropriated from the general fund to the
6 department of public safety for expenditure in fiscal year 2008
7 to develop guidelines, protocols and a training program for law
8 enforcement officers on ensuring child safety upon the arrest
9 of a parent or guardian. Any unexpended or unencumbered
10 balance remaining at the end of fiscal year 2008 shall revert
11 to the general fund.