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SENATE BILL 99

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

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO CHILDREN; RAISING THE LIMIT ON DAMAGE AWARDS
AGAINST A PARENT OR GUARDIAN WHEN A CHILD DAMAGES PROPERTY;
ALLOWING FOR COMMUNITY SERVICE BY A CHILD, REGARDLESS OF A
DAMAGE AWARD.

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

SECTION 1. Section 32A-2-27 NMSA 1978 (being Laws 1993,
Chapter 77, Section 56, as amended) is amended to read:

"32A-2-27. INJURY TO PERSON OR DESTRUCTION OF
PROPERTY--LIABILITY--COSTS AND ATTORNEY FEES--RESTITUTION.--

A. Any person may recover damages not to exceed
~~[four thousand dollars (\$4,000)]~~ ten thousand dollars (\$10,000)
in a civil action in a court or tribunal of competent
jurisdiction from the parent or guardian having custody and
control of a child when the child has maliciously or willfully

.183759.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 injured a person or damaged, destroyed or deprived use of
2 property, real or personal, belonging to the person bringing
3 the action.

4 B. Recovery of damages under this section is
5 limited to the actual damages proved in the action, not to
6 exceed [~~four thousand dollars (\$4,000)~~] ten thousand dollars
7 (\$10,000) taxable court costs and, in the discretion of the
8 court, reasonable attorney fees to be fixed by the court or
9 tribunal.

10 C. Nothing contained in this section limits the
11 discretion of the court to issue an order requiring damages or
12 restitution to be paid by the child when the child has been
13 found to be within the provisions of the Delinquency Act. The
14 court in its discretion may order the child to perform
15 community service regardless of whether any damages are awarded
16 against a parent or guardian pursuant to this section.

17 D. Nothing contained in this section shall be
18 construed so as to impute liability to any foster parent."