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SENATE BILL 311

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

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO TRUANCY; INCREASING THE CRIME PARENTS ARE GUILTY OF FOR KNOWINGLY ALLOWING A STUDENT TO CONTINUE TO VIOLATE THE COMPULSORY SCHOOL ATTENDANCE LAW.

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

SECTION 1. Section 22-12-7 NMSA 1978 (being Laws 1967, Chapter 16, Section 175, as amended) is amended to read:

"22-12-7. ENFORCEMENT OF ATTENDANCE LAW--HABITUAL TRUANTS--PENALTY.--

A. Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.

B. To initiate enforcement of the provisions of the

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1 Compulsory School Attendance Law against an habitual truant, a
2 local school board or governing body of a charter school or
3 private school or its authorized representatives shall give
4 written notice of the habitual truancy by mail to or by
5 personal service on the parent of the student subject to and in
6 noncompliance with the provisions of the Compulsory School
7 Attendance Law. The notice shall include a date, time and
8 place for the parent to meet with the local school district,
9 charter school or private school to develop intervention
10 strategies that focus on keeping the student in an educational
11 setting.

12 C. If unexcused absences continue after written
13 notice of habitual truancy as provided in Subsection B of this
14 section has occurred, the student shall be reported to the
15 probation services office of the judicial district where the
16 student resides for an investigation as to whether the student
17 shall be considered to be a neglected child or a child in a
18 family in need of services because of habitual truancy and thus
19 subject to the provisions of the Children's Code. The
20 probation services office may send a written notice to a parent
21 of the student directing the parent and student to report to
22 the probation services office to discuss services for the
23 student or the family. In addition to any other disposition,
24 the children's court may order the habitual truant's driving
25 privileges to be suspended for a specified time not to exceed

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1 ninety days on the first finding of habitual truancy and not to
2 exceed one year for a subsequent finding of habitual truancy.

3 D. If, after review by the juvenile probation
4 office where the student resides, a determination and finding
5 is made that the habitual truancy by the student may have been
6 caused by the parent of the student, then the matter will be
7 referred by the juvenile probation office to the district
8 attorney's office or any law enforcement agency having
9 jurisdiction for appropriate investigation and filing of
10 charges allowed under the Compulsory School Attendance Law.
11 Charges against the parent may be filed in metropolitan court,
12 magistrate court or district court.

13 E. A parent of the student who, after receiving
14 written notice as provided in Subsection B of this section and
15 after the matter has been reviewed in accordance with
16 Subsection D of this section, knowingly allows the student to
17 continue to violate the Compulsory School Attendance Law shall
18 be guilty of a petty misdemeanor. Upon the first conviction, a
19 fine of not less than twenty-five dollars (\$25.00) or more than
20 one hundred dollars (\$100) may be imposed, or the parent of the
21 student may be ordered to perform community service. If
22 violations of the Compulsory School Attendance Law continue,
23 upon the second and subsequent convictions, the parent of the
24 student who knowingly allows the student to continue to violate
25 the Compulsory School Attendance Law shall be guilty of a

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1 [petty] misdemeanor and shall be subject to a fine of not more
2 than [~~five hundred dollars (\$500)~~] one thousand dollars
3 (\$1,000) or imprisonment for a definite term [~~not to exceed six~~
4 ~~months~~] less than one year or both.

5 F. The provisions of this section shall apply
6 beginning July 1, [~~2004~~] 2011."