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HOUSE BILL 76

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

FRANK BIRD

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING MUNICIPALITIES WITH THE
POWER TO IMPOSE PENALTIES FOR CURFEW ORDINANCE VIOLATIONS;
GRANTING JURISDICTION TO MUNICIPAL, MAGISTRATE OR METROPOLITAN
COURTS OVER CURFEW ORDINANCE VIOLATIONS.

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

Section 1. Section 3-17-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-16-1, as amended) is amended to read:

"3-17-1. ORDINANCES--PURPOSES.--The governing body of a
municipality may adopt ordinances or resolutions not
inconsistent with the laws of New Mexico for the purpose of:

A. effecting or discharging the powers and duties
conferred by law upon the municipality;

B. providing for the safety, preserving the
health, promoting the prosperity and improving the morals,

Underscored material = new
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1 order, comfort and convenience of the municipality and its
2 inhabitants; and

3 C. enforcing obedience to the ordinances by
4 prosecution in the municipal court and metropolitan courts and
5 upon conviction the imposition of:

6 (1) except for those violations of ordinances
7 described in Paragraphs (2) [~~and~~], (3) and (4) of this
8 subsection, a fine of not more than five hundred dollars
9 (\$500) or imprisonment for not more than ninety days or both;

10 (2) for a violation of an ordinance
11 prohibiting driving a motor vehicle while under the influence
12 of intoxicating liquor or drugs, a fine of not more than one
13 thousand dollars (\$1,000) or imprisonment for not more than
14 three hundred sixty-four days or both; [~~and~~]

15 (3) for violations of an industrial user
16 wastewater pretreatment ordinance as required by the United
17 States environmental protection agency, a fine of not more
18 than one thousand dollars (\$1,000) a day for each violation;
19 and

20 (4) for a violation of a curfew ordinance, a
21 fine of not more than five hundred dollars (\$500) or community
22 service or both. "

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

25 "32A-2-29. MOTOR VEHICLE CODE VIOLATIONS. --

. 120318. 1

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1 A. The municipal, magistrate or metropolitan court
2 shall have original exclusive jurisdiction over all Motor
3 Vehicle Code [~~or~~], municipal traffic code or municipal curfew
4 violations when the person alleged to have committed the
5 violation is a child, with the exception of those violations
6 contained in Paragraph (1) of Subsection A of Section [~~32-2-3~~
7 32A-2-3 NMSA 1978 and all traffic offenses alleged to have
8 been committed by the child arising out of the same occurrence
9 pursuant to Subsection B of this section.

10 B. If the children's court acquires jurisdiction
11 over a child pursuant to any of those Motor Vehicle Code
12 violations contained in Paragraph (1) of Subsection A of
13 Section [~~32-2-3~~ 32A-2-3 NMSA 1978, it shall have jurisdiction
14 over all traffic offenses alleged to have been committed by
15 the child arising out of the same occurrence.

16 C. All traffic offenses which the child is found
17 to have committed by the municipal, magistrate or metropolitan
18 court or for which the child is adjudicated delinquent by the
19 children's court shall be subject to the reporting
20 requirements and the suspension and revocation provisions of
21 the Motor Vehicle Code and shall not be subject to the
22 confidentiality provisions of the Delinquency Act.

23 D. No tribunal may incarcerate any child who has
24 been found guilty of any Motor Vehicle Code [~~or~~], municipal
25 traffic code or municipal curfew violations without first

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securing the approval of the children's court. "

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 3, 1998
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8 Mr. Speaker:
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10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 76
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Lynda M. Lovejoy, Chairman
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 6

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 5 For 1 Against

11 Yes: 5

12 No: Beam

13 Excused: Wallace

14 Absent: None

15
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