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HOUSE BILL 231

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Raymond G. Sanchez

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO JUVENILE JUSTICE; PROVIDING FOR THE DETENTION OF A CHILD WHO POSSESSES A FIREARM ON SCHOOL PREMISES; ENACTING A SECTION OF THE CHILDREN'S CODE.

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

Section 1. A new section of the Children's Code is enacted to read:

" [NEW MATERIAL] CHILD IN POSSESSION OF A FIREARM ON SCHOOL PREMISES- - DETENTION- - HEARING. - -

A. If a public school administrator or employee has reasonable cause to believe that a child is in possession of or has been in possession of a firearm on school premises in violation of the federal Gun Free Schools Act of 1994 or Section 30-7-2.1 NMSA 1978, the administrator or employee shall immediately report the child's actions to a law

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1 enforcement agency and the children, youth and families
2 department.

3 B. Upon receipt of a report pursuant to Subsection
4 A of this section, the law enforcement agency shall
5 immediately conduct an investigation to determine if there is
6 probable cause to believe that the child possessed a firearm
7 on school premises.

8 C. If the law enforcement agency determines there
9 is probable cause to believe that the child possessed a
10 firearm on school premises, the law enforcement agency shall
11 immediately take the child into custody and deliver the child
12 to a detention facility licensed by the department. After the
13 child is delivered to a detention facility, the department
14 shall comply with the notification provisions set forth in
15 Subsection C of Section 32A-2-10 NMSA 1978. The child shall
16 be detained in the detention facility, pending a detention
17 facility, pending a detention hearing pursuant to the
18 provisions of Section 32A-2-13 NMSA 1978. "

19 Section 2. EFFECTIVE DATE. --The effective date of the
20 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5
6 February 1, 1999

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 231

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 2, line 18, delete quotation marks.

17
18 2. On page 2, between lines 18 and 19, insert the
19 following new subsection:

20
21 "D. "Firearm" means any weapon which will or is
22 designed to or may readily be converted to expel a
23 projectile by the action of an explosion; the frame or
24 receiver of any such weapon; or any firearm muffler or
25 firearm silencer. "Firearm" includes any handgun, rifle or
shotgun." " ..

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FORTY-FOURTH LEGISLATURE
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Page 4

Respectfully submitted,

R. David Pederson, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HJC/HB 231

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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March 11, 1999

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Mr. President:

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Your EDUCATION COMMITTEE, to whom has been referred

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HOUSE BILL 231, as amended

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

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Respectfully submitted,

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Cynthia Nava, Chairman

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FORTY-FOURTH LEGISLATURE
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1 HJC/HB 231

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Adopted _____ Not

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Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 5 For 1 Against

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Yes: 5

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No: Boitano

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Excused: Adair, Duran, Gorham, Jennings

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Absent: None

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