

1 HOUSE BILL 422

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Patricio Ruiloba

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10 AN ACT

11 RELATING TO CHILDREN; PROVIDING FOR LAW ENFORCEMENT REFERRALS
12 TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT FOR SERVICES FOR
13 RUNAWAY CHILDREN.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. A new section of Chapter 29 NMSA 1978 is
17 enacted to read:

18 "[NEW MATERIAL] SHORT TITLE.--Sections 1 through 4 of this
19 act may be cited as the "Runaway Child Information and
20 Reporting Act".

21 SECTION 2. A new section of Chapter 29 NMSA 1978 is
22 enacted to read:

23 "[NEW MATERIAL] DEFINITION.--As used in the Runaway Child
24 Information and Reporting Act, "runaway child" means a minor
25 child who has left the child's lawfully prescribed home without

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1 the permission of the child's parent, guardian or custodian."

2 SECTION 3. A new section of Chapter 29 NMSA 1978 is
3 enacted to read:

4 "[NEW MATERIAL] RUNAWAY CHILD REPORTS--LAW ENFORCEMENT
5 AGENCIES--DUTIES.--Immediately upon receiving a report of a
6 runaway child, a law enforcement agency shall notify the
7 children, youth and families department of the runaway child by
8 telephone, facsimile or electronic transmission and provide a
9 copy of the report."

10 SECTION 4. A new section of Chapter 29 NMSA 1978 is
11 enacted to read:

12 "[NEW MATERIAL] LOCATION OF RUNAWAY CHILD.--

13 A. If a law enforcement officer locates the runaway
14 child, that officer shall immediately notify the runaway
15 child's parent, guardian or custodian; the person who reported
16 the child as a runaway; the law enforcement agency that
17 received the runaway child report; and the children, youth and
18 families department.

19 B. If the runaway child returns voluntarily to the
20 child's home, the child's parent, guardian or custodian or the
21 person who reported the child as a runaway shall immediately
22 notify the law enforcement agency to which the report was made.
23 That law enforcement agency shall immediately dispatch a law
24 enforcement officer to the child's home to verify the child's
25 presence and safety. The responding officer shall, immediately

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1 after, notify the children, youth and families department.

2 C. Based on the responding officer's report that a
3 runaway child has returned home voluntarily, the children,
4 youth and families department shall contact the child and the
5 child's parent, guardian or custodian by telephone or in person
6 to determine whether the child and family are in need of
7 services. The children, youth and families department may
8 refer the child to services provided by the child's school-
9 based health center, if any, as well as any other appropriate
10 services or agencies."

11 SECTION 5. Section 32A-1-21 NMSA 1978 (being Laws 2007,
12 Chapter 185, Section 2, as amended) is amended to read:

13 "32A-1-21. RUNAWAY CHILD--LAW ENFORCEMENT--REQUIRED AND
14 PERMITTED ACTS.--

15 A. Whenever a law enforcement agency receives a
16 report from a parent, guardian or custodian that a minor child
17 over whom the parent, guardian or custodian has custody has,
18 without permission, left the [~~home or residence~~] child's
19 lawfully prescribed [~~for the child~~] home and the parent,
20 guardian or custodian believes the child has run away, a law
21 enforcement [~~agent~~] officer shall, in addition to making the
22 missing child report required in Section 29-15-7.1 NMSA 1978,
23 immediately notify the department.

24 B. A law enforcement officer may help the parent,
25 guardian or custodian locate [~~the~~] a runaway child and, if the

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1 child is located:

2 (1) shall immediately notify the department;

3 ~~[A.]~~ (2) may return the child to the parent,

4 guardian or custodian unless safety concerns are present;

5 provided that if safety concerns are present, the law

6 enforcement officer shall take the child into protective

7 custody following the procedures in Section 32A-3B-3 NMSA 1978;

8 ~~[B.]~~ (3) may hold the child for up to six

9 hours if the parent, guardian or custodian cannot be located;

10 provided, however, that no child shall be placed in a secured

11 setting pursuant to this section; or

12 ~~[C.]~~ (4) shall consult with the department

13 regarding the child's best interests and may, after the six

14 hours ~~has~~ have expired, ~~follow~~ take the child into

15 protective custody following the procedures ~~outlined~~ in

16 Section 32A-3B-3 NMSA 1978."