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House OKs bill to allow youth curfew ordinances

By Dan Boyd

SANTA FE – The New Mexico House voted 44-21 on Monday to approve a bill that would allow cities and counties to enact youth curfew ordinances, sending it on to the Senate.

While critics of the measure argued curfews would criminalize young people and possibly lead to an increase in racial profiling, backers countered by describing them as a necessary tool for some crime-fatigued communities.

“I do see things running out of control,” said the bill’s sponsor, House Republican floor leader Nate Gentry of Albuquerque, who cited a recent increase in Albuquerque’s murder rate. “And I do feel the need to do something.”

Gentry has called for the bill to be named Stevie’s Law after Steven Gerecke, an Albuquerque bartender who was shot in his driveway last summer. Six juveniles were arrested and indicted in the killing.

If the measure is approved by the Legislature, any curfews subsequently enacted by cities or counties could apply to children 15 and under between midnight and 5 a.m., and during the day on school days.

But Rep. Bill McCamley, D-Mesilla Park, said statistics show most crimes involving high schoolers occur after school gets out.

“The majority of the crimes being committed by teenagers are being committed at times that are not included in the curfew,” McCamley said.

He also lamented a perceived focus on tough-on-crime bills in the GOP-controlled House, saying, “All we’ve heard is, ‘Put people in prison, put people in prison, put people in prison.’”

Other House Democrats voiced similar concerns, although nine of them ultimately voted for the measure.

“I wish there was another way to address this with our youth without having to pass this bill,” said Rep. Miguel Garcia, D-Albuquerque.

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The curfew legislation, House Bill 29, would include various exemptions, including youths going to or returning from school or religious functions.

In addition, local curfew ordinances would allow police to take children into protective custody in some situations – such as when an officer is unable to contact the youth’s parent or guardian.

Albuquerque previously had a teen curfew ordinance, but it was struck down by the state Supreme Court in 1999 after a lawsuit was filed by the American Civil Liberties Union of New Mexico.

Meanwhile, the House also voted 65-0 Monday to approve a separate proposal, House Bill 72, that would allow judges to consider an adult offender’s juvenile crime record when setting bail and conditions of release.

Nicole Chavez, the mother of Jaydon Chavez-Silver, a Manzano High School student who was shot and killed last summer when shots were fired into a house party he was attending, is one of several family members of victims that have urging lawmakers to approve the crime-related bills.

She was present for Monday’s votes and said she hopes the juvenile records bill, which is named after her son, is able to clear the Senate.

“It’s very important to me and I think it would make a difference in other cases,” Chavez told the **Journal**.