

1 SENATE BILL 74

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

4 Sander Rue

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10 AN ACT

11 RELATING TO CIVIL ACTIONS; INCREASING THE AMOUNT OF RECOVERABLE
12 DAMAGES FROM A PARENT OR GUARDIAN IN A CIVIL SUIT FOR INJURY TO
13 A PERSON OR DESTRUCTION OF PROPERTY.

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

16 Section 1. Section 32A-2-27 NMSA 1978 (being Laws 1993,
17 Chapter 77, Section 56, as amended) is amended to read:

18 "32A-2-27. INJURY TO PERSON OR DESTRUCTION OF
19 PROPERTY--LIABILITY--COSTS AND ATTORNEY FEES--RESTITUTION.--

20 A. Any person may recover damages not to exceed
21 [~~four thousand dollars (\$4,000)~~] ten thousand dollars (\$10,000)
22 in a civil action in a court or tribunal of competent
23 jurisdiction from the parent or guardian having custody and
24 control of a child when the child has maliciously or willfully
25 injured a person or damaged, destroyed or deprived use of

.180647.1

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 property, real or personal, belonging to the person bringing
2 the action.

3 B. Recovery of damages under this section is
4 limited to the actual damages proved in the action, not to
5 exceed [~~four thousand dollars (\$4,000)~~] ten thousand dollars
6 (\$10,000), taxable court costs and, in the discretion of the
7 court, reasonable attorney fees to be fixed by the court or
8 tribunal.

9 C. Nothing contained in this section limits the
10 discretion of the court to issue an order requiring damages or
11 restitution to be paid by the child when the child has been
12 found to be within the provisions of the Delinquency Act.

13 D. Nothing contained in this section shall be
14 construed so as to impute liability to any foster parent."