

1 AN ACT

2 RELATING TO ABUSE OF A CHILD; PROVIDING THAT ALLOWING A CHILD
3 TO BE IN A MOTOR VEHICLE, BUILDING OR OTHER PREMISES USED FOR
4 THE MANUFACTURE OF CONTROLLED SUBSTANCES IS PRIMA FACIE
5 EVIDENCE OF ABUSE OF A CHILD; AMENDING A SECTION OF THE NMSA
6 1978.

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

9 Section 1. Section 30-6-1 NMSA 1978 (being Laws 1973,
10 Chapter 360, Section 10, as amended by Laws 2001, Chapter 31,
11 Section 9 and by Laws 2001, Chapter 132, Section 9) is
12 amended to read:

13 "30-6-1. ABANDONMENT OR ABUSE OF A CHILD.--

14 A. As used in this section:

15 (1) "child" means a person who is less than
16 eighteen years of age;

17 (2) "neglect" means that a child is without
18 proper parental care and control of subsistence, education,
19 medical or other care or control necessary for his well-being
20 because of the faults or habits of his parents, guardian or
21 custodian or their neglect or refusal, when able to do so, to
22 provide them; and

23 (3) "negligently" refers to criminal
24 negligence and means that a person knew or should have known
25 of the danger involved and acted with a reckless disregard

1 for the safety or health of the child.

2 B. Abandonment of a child consists of the parent,
3 guardian or custodian of a child intentionally leaving or
4 abandoning the child under circumstances whereby the child
5 may or does suffer neglect. Whoever commits abandonment of a
6 child is guilty of a misdemeanor, unless the abandonment
7 results in the child's death or great bodily harm, in which
8 case he is guilty of a second degree felony.

9 C. A parent, guardian or custodian who leaves an
10 infant less than ninety days old in compliance with the Safe
11 Haven for Infants Act shall not be prosecuted for abandonment
12 of a child.

13 D. Abuse of a child consists of a person
14 knowingly, intentionally or negligently, and without
15 justifiable cause, causing or permitting a child to be:

16 (1) placed in a situation that may endanger
17 the child's life or health;

18 (2) tortured, cruelly confined or cruelly
19 punished; or

20 (3) exposed to the inclemency of the
21 weather.

22 E. Whoever commits abuse of a child that does not
23 result in the child's death or great bodily harm is, for a
24 first offense, guilty of a third degree felony and for second
25 and subsequent offenses is guilty of a second degree felony.

1 If the abuse results in great bodily harm or death to the
2 child, he is guilty of a first degree felony.

3 F. Evidence that demonstrates that a child has
4 been knowingly, intentionally or negligently allowed to enter
5 or remain in a motor vehicle, building or any other premises
6 that contains chemicals and equipment used or intended for
7 use in the manufacture of a controlled substance shall be
8 deemed prima facie evidence of abuse of the child.

9 G. A person who leaves an infant less than ninety
10 days old at a hospital may be prosecuted for abuse of the
11 infant for actions of the person occurring before the infant
12 was left at the hospital."

13 Section 2. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2004. _____

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