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AN ACT

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

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

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

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

A. As used in this section:

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

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

(3) "negligently" refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.

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

1 C. A parent, guardian or custodian who leaves an infant less than 90  
2 ninety days old in compliance with the Safe Haven for Infants Act shall not be  
3 prosecuted for abandonment of a child.

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

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

8 (2) tortured, cruelly confined or cruelly punished; or

9 (3) exposed to the inclemency of the weather.

10 E. Whoever commits abuse of a child that does not result in the  
11 child's death or great bodily harm is, for a first offense, guilty of a third degree felony  
12 and for second and subsequent offenses is guilty of a second degree felony. If the  
13 abuse results in great bodily harm or death to the child, he is guilty of a first degree  
14 felony.

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

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

23 Section 2. EFFECTIVE DATE.--The effective date of the provisions of this  
24 act is July 1, 2004.

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