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HOUSE BILL 91

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO CHILDREN IN MOTOR VEHICLES; PENALIZING A PERSON WHO
LEAVES A CHILD UNATTENDED IN A MOTOR VEHICLE.

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

SECTION 1. A new section of Chapter 30, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] LEAVING A CHILD UNATTENDED IN A MOTOR
VEHICLE.--

A. Leaving a child unattended in a motor vehicle
consists of intentionally or knowingly leaving a child
unattended in a motor vehicle for longer than five minutes,
knowing that the child is:

(1) younger than ten years of age; and

(2) not attended by an individual in the

vehicle who is fourteen years of age or older.

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1 B. A person who commits leaving a child unattended
2 in a motor vehicle is:

3 (1) for a first offense, guilty of a petty
4 misdemeanor and shall be sentenced pursuant to the provisions
5 of Section 31-19-1 NMSA 1978; and

6 (2) for a second or subsequent offense, guilty
7 of a misdemeanor and shall be sentenced pursuant to the
8 provisions of Section 31-19-1 NMSA 1978.

9 C. If leaving a child unattended in a motor vehicle
10 results in injury requiring hospitalization or the death of the
11 child, it shall be deemed prima facie evidence of abuse of the
12 child under Section 30-6-1 NMSA 1978."

13 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
14 provisions of this act is July 1, 2014.