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HOUSE BILL 80

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

John Block

AN ACT

RELATING TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT;
CREATING THE CRIMES OF ASSAULT AND AGGRAVATED ASSAULT AGAINST A
PUBLIC SERVICE WORKER AND BATTERY AND AGGRAVATED BATTERY
AGAINST A PUBLIC SERVICE WORKER; CREATING THE CRIME OF
ACCESSORY TO COMMIT ASSAULT OR BATTERY AGAINST A PUBLIC SERVICE
WORKER AND CONSPIRACY TO COMMIT ASSAULT OR BATTERY AGAINST A
PUBLIC SERVICE WORKER; ESTABLISHING PENALTIES.

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

SECTION 1. A new section of the Criminal Code, Section
30-3-9.3 NMSA 1978, is enacted to read:

"30-3-9.3. [NEW MATERIAL] ASSAULT--BATTERY--PUBLIC
SERVICE WORKERS OF THE CHILDREN, YOUTH AND FAMILIES
DEPARTMENT.--

A. As used in this section:

.227082.1

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1 (1) "in the lawful discharge of the public
2 service worker's duties" means engaged in the performance of
3 the duties of a children, youth and families department public
4 service worker; and

5 (2) "public service worker" means an employee
6 of the children, youth and families department who works
7 directly with children and families in either the protective
8 services division or juvenile justice division of the children,
9 youth and families department and includes any child protection
10 investigator, family services worker, client service worker,
11 permanency planning worker, placement worker, foster care
12 worker, adoption worker, social worker, in-home services
13 worker, youth transition coordinator, case worker, juvenile
14 probation officer or family-centered mediator or any supervisor
15 of any of those or any person authorized to transport clients
16 for the department.

17 B. Assault upon a public service worker consists
18 of:

19 (1) an attempt to commit a battery upon the
20 person of a public service worker who is in the lawful
21 discharge of the public service worker's duties;

22 (2) any unlawful act, threat or menacing
23 conduct that causes a public service worker who is in the
24 lawful discharge of the public service worker's duties to
25 reasonably believe that the public service worker is in danger

.227082.1

1 of receiving an immediate battery; or

2 (3) the use of insulting language that impugns
3 a public service worker's honor, delicacy or reputation while
4 the public service worker is in the lawful discharge of the
5 public service worker's duties.

6 Whoever commits assault upon a public service worker is
7 guilty of a misdemeanor.

8 C. Aggravated assault upon a public service worker
9 consists of:

10 (1) unlawfully assaulting or striking at a
11 public service worker with a deadly weapon while the public
12 service worker is in the lawful discharge of the public service
13 worker's duties;

14 (2) committing an assault by threatening or
15 menacing a public service worker while wearing a mask, hood,
16 robe or other covering upon the face, head or body, or while
17 disguised in any manner, so as to conceal identity while the
18 public service worker is in the lawful discharge of the public
19 service worker's duties; or

20 (3) willfully and intentionally assaulting a
21 public service worker who is in the lawful discharge of the
22 public service worker's duties with intent to commit any
23 felony.

24 Whoever commits aggravated assault upon a public service
25 worker is guilty of a third degree felony.

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1 D. Battery upon a public service worker is the
2 unlawful, intentional touching or application of force when
3 done in a rude, insolent or angry manner upon a public service
4 worker who is in the lawful discharge of the public service
5 worker's duties.

6 Whoever commits battery upon a public service worker is
7 guilty of a misdemeanor.

8 E. Aggravated battery upon a public service worker
9 consists of the unlawful touching or application of force to a
10 public service worker with intent to injure while the public
11 service worker is in the lawful discharge of the public service
12 worker's duties.

13 Whoever commits aggravated battery upon a public service
14 worker and inflicts an injury that is not likely to cause death
15 or great bodily harm but does cause painful temporary
16 disfigurement or temporary loss or impairment of the functions
17 of any member or organ of the body is guilty of a fourth degree
18 felony.

19 F. Whoever commits aggravated battery upon a public
20 service worker and inflicts great bodily harm with a deadly
21 weapon or in any manner whereby great bodily harm or death can
22 be inflicted is guilty of a second degree felony.

23 G. A person who is an accessory or conspires with
24 one or more persons to commit an assault or battery upon a
25 public service worker who is in the lawful discharge of the

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1 public service worker's duties is guilty of a fourth degree
2 felony."

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