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SENATE BILL 487

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO CRIMINAL JUSTICE; EXPANDING THE DEFINITION OF CHILD ABUSE; AMENDING SECTION 30-6-1 NMSA 1978 (BEING LAWS 1973, CHAPTER 360, SECTION 10, AS AMENDED).

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) 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

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1 custodian or their neglect or refusal, when able to do so, to  
2 provide them; and

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

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

14 C. Abuse of a child consists of a person  
15 knowingly, intentionally or negligently, and without  
16 justifiable cause, causing or permitting a child to [ be]:

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

19 (2) be tortured, cruelly confined or cruelly  
20 punished; [or]

21 (3) be exposed to the inclemency of the  
22 weather; or

23 (4) witness any one of the following  
24 offenses:

25 (a) aggravated assault against a

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1 household member, as provided in Section 30-3-13 NMSA 1978;  
2 (b) assault against a household member  
3 with intent to commit a violent felony, as provided in Section  
4 30-3-14 NMSA 1978; or  
5 (c) aggravated battery against a  
6 household member, as provided in Section 30-3-16 NMSA 1978.

7 Whoever commits abuse of a child [~~which~~] that does not  
8 result in the child's death or great bodily harm is for a  
9 first offense guilty of a third degree felony and for second  
10 and subsequent offenses is guilty of a second degree felony.  
11 If the abuse results in great bodily harm or death to the  
12 child, he is guilty of a first degree felony. "