



**Effective: June 19, 2009**

West's New Mexico Statutes Annotated Currentness

Chapter 30. Criminal Offenses

▣ Article 6. Crimes Against Children and Dependents (Refs & Annos)

→→ **§ 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 the child's well-being because of the faults or habits of the child's 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. A person who 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 the person is guilty of a second degree felony.

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

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

- (1) placed in a situation that may endanger the child's life or health;
- (2) tortured, cruelly confined or cruelly punished; or
- (3) exposed to the inclemency of the weather.

E. A person who commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm to the child, the person is guilty of a first degree felony.

F. A person who commits negligent abuse of a child that results in the death of the child is guilty of a first degree felony.

G. A person who commits intentional abuse of a child twelve to eighteen years of age that results in the death of the child is guilty of a first degree felony.

H. A person who commits intentional abuse of a child less than twelve years of age that results in the death of the child is guilty of a first degree felony resulting in the death of a child.

[with the specific intent to kill that child]

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

J. Evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine shall be deemed prima facie evidence of abuse of the child.

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

**CREDIT(S)**

L. 1973, Ch. 360, § 10; L. 1977, Ch. 131, § 1; L. 1978, Ch. 103, § 1; L. 1984, Ch. 77, § 1; L. 1984, Ch. 92, § 5; L. 1989, Ch. 351, § 1; L. 1997, Ch. 163, § 1, eff. July 1, 1997; L. 2001, Ch. 31, § 9, eff. March 14, 2001; L. 2001, Ch. 132, § 9, eff. April 2, 2001; L. 2004, Ch. 10, § 1, eff. July 1, 2004; L. 2004, Ch. 11, § 1, eff. July 1, 2004; L. 2005, Ch. 59, § 1, eff. June 17, 2005; L. 2009, Ch. 259, § 1, eff. June 19, 2009.

**Formerly** 1953 Comp., § 40A-6-1.

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