

HOUSE BILL 100

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE PENALTY FOR
INTENTIONAL ABUSE OF A CHILD TWELVE TO EIGHTEEN YEARS OF AGE
Hf1→**BY THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN OR BY A PERSON
IN A POSITION OF AUTHORITY OVER THE CHILD**←Hf1 THAT RESULTS IN
THE DEATH OF THE CHILD TO A FIRST DEGREE FELONY RESULTING IN
THE DEATH OF A CHILD; DECLARING AN EMERGENCY.

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:

.209411.1

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Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

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

A. As used in this section:

(1) "child" means a person who is [~~less~~]
younger 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; Hf1→~~and~~←Hf1

(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 Hf1→; ~~and~~←Hf1

Hf1→(4) "position of authority" means that
position occupied by a parent, relative, household member,
teacher, employer or other person who, by reason of that
position, is able to exercise influence over a child←Hf1.

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.

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C. A parent, guardian or custodian who leaves an infant [~~less than~~] ninety days [~~old~~] of age or less 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 a second [~~and~~] or subsequent [~~offenses~~] offense, 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.]~~

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H.] G. A person who commits intentional abuse of a child [~~less than twelve years of age~~] that results in the death of the child Hfld: ~~is guilty of a first degree felony resulting in the death of a child.~~←Hf1

Hf1→(1) if the person is the parent, guardian or custodian of the child or a person in a position of authority over the child, is guilty of a first degree felony resulting in the death of a child; or

(2) if the person is not the parent, guardian or custodian of the child or a person in a position of authority over the child and the child is:

(a) under the age of twelve, is guilty of a first degree felony resulting in the death of a child; or

(b) twelve years of age or older and younger than eighteen years of age, is guilty of a first degree felony.←Hf1

[I.] H. 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.] I. 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

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of the child.

[K.] J. A person who leaves an infant [~~less than~~ ninety days [~~old at a hospital~~] of age or less at a safe haven site may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the [~~hospital~~] safe haven site."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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