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FISCAL IMPACT REPORT

SPONSOR Gould ORIGINAL DATE _____
LAST UPDATED _____ HB _____

SHORT TITLE Child Abuse Reporting Liability Limits SB 117

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 122 and Senate Bill 78

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 117 amends Section 32A-45B NMSA 1978, removing the phrase “brought as a result of a report [of child abuse or neglect] required by Section 32-4-3 NMSA 1978.” The effect of the change is to grant civil and criminal immunity to all reporters of child abuse or neglect, whether the report was pursuant to the legal requirement or not, unless the reporting was done in bad faith or out of malice.

FISCAL IMPLICATIONS

NMAG identifies no fiscal impact; AOC notes that there might be minimal costs associated with updating written or online material. AOC also notes possible effects on child abuse/neglect caseload if the immunity granted encourages more people to report allegations of abuse or neglect.

SIGNIFICANT ISSUES

AOC makes two points regarding the bill's change:

- Some states have also added language to clarify that “[n]o immunity conferred pursuant to this subsection shall attach if the person reporting the harm perpetrated or inflicted the abuse or caused the neglect.” Tenn. Code Ann. §§ 37-1-410(a)(5)(B), (6)-(8).
- The good faith requirement remains in the statute, leaving the courts with recourse for a person acting in bad faith or with malicious purpose.

RELATIONSHIP

Relates to House Bill 122, which expands the mandatory nature of reporting of child abuse or neglect to all persons, as well as giving law enforcement or the Children, Youth and Families Department access to the records of the reporting person or entity; and to Senate Bill 87, which adds further definition to the term “child abuse,” for which reporting is mandated. Both, like SB 117, amend Section 32A-4 NMSA 1978. SB 117 may be superfluous if House Bill 122 is passed, but there is no conflict between the two.

LAC/jle