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HOUSE BILL 86

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Brian F. Egolf

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CHILDREN; REQUIRING LEADERS IN YOUTH CLUBS,
ORGANIZATIONS AND TEAMS TO REPORT CHILD ABUSE AND NEGLECT;
PROVIDING A DEFINITION.

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

SECTION 1. Section 32A-4-3 NMSA 1978 (being Laws 1993,
Chapter 77, Section 97, as amended) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD
NEGLECT--RESPONSIBILITY TO INVESTIGATE CHILD ABUSE OR NEGLECT--
PENALTY.--

A. Every person, including a licensed physician; a
resident or an intern examining, attending or treating a child;
a law enforcement officer; a judge presiding during a
proceeding; a registered nurse; a visiting nurse; a
schoolteacher; a school official; a social worker acting in an

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1 official capacity; a leader in a youth club, organization or
2 team; or a member of the clergy who has information that is not
3 privileged as a matter of law, who knows or has a reasonable
4 suspicion that a child is an abused or a neglected child shall
5 report the matter immediately to:

6 (1) a local law enforcement agency;
7 (2) the department; or
8 (3) a tribal law enforcement or social
9 services agency for any Indian child residing in Indian
10 country.

11 B. A law enforcement agency receiving the report
12 shall immediately transmit the facts of the report and the
13 name, address and phone number of the reporter by telephone to
14 the department and shall transmit the same information in
15 writing within forty-eight hours. The department shall
16 immediately transmit the facts of the report and the name,
17 address and phone number of the reporter by telephone to a
18 local law enforcement agency and shall transmit the same
19 information in writing within forty-eight hours. The written
20 report shall contain the names and addresses of the child and
21 the child's parents, guardian or custodian, the child's age,
22 the nature and extent of the child's injuries, including any
23 evidence of previous injuries, and other information that the
24 maker of the report believes might be helpful in establishing
25 the cause of the injuries and the identity of the person

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1 responsible for the injuries. The written report shall be
2 submitted upon a standardized form agreed to by the law
3 enforcement agency and the department.

4 C. The recipient of a report under Subsection A of
5 this section shall take immediate steps to ensure prompt
6 investigation of the report. The investigation shall ensure
7 that immediate steps are taken to protect the health or welfare
8 of the alleged abused or neglected child, as well as that of
9 any other child under the same care who may be in danger of
10 abuse or neglect. A local law enforcement officer trained in
11 the investigation of child abuse and neglect is responsible for
12 investigating reports of alleged child abuse or neglect at
13 schools, daycare facilities or child care facilities.

14 D. If the child alleged to be abused or neglected
15 is in the care or control of or in a facility administratively
16 connected to the department, the report shall be investigated
17 by a local law enforcement officer trained in the investigation
18 of child abuse and neglect. The investigation shall ensure
19 that immediate steps are taken to protect the health or welfare
20 of the alleged abused or neglected child, as well as that of
21 any other child under the same care who may be in danger of
22 abuse or neglect.

23 E. A law enforcement agency or the department
24 shall have access to any of the records pertaining to a child
25 abuse or neglect case maintained by any of the persons

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1 enumerated in Subsection A of this section, except as otherwise
2 provided in the Abuse and Neglect Act.

3 F. A person who violates the provisions of
4 Subsection A of this section is guilty of a misdemeanor and
5 shall be sentenced pursuant to the provisions of Section
6 31-19-1 NMSA 1978.

7 G. As used in this section, "abused child" includes
8 a child who has suffered sexual abuse or sexual exploitation
9 inflicted by any person."

10 SECTION 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2013.