

1 HOUSE BILL 182

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Conrad James

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9  
10 AN ACT

11 RELATING TO CRIMINAL LAW; INCREASING PENALTIES FOR CRIMES  
12 COMMITTED AGAINST CHILDREN.

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

15 SECTION 1. Section 30-6-1 NMSA 1978 (being Laws 1973,  
16 Chapter 360, Section 10, as amended) is amended to read:

17 "30-6-1. ABANDONMENT OR ABUSE OF A CHILD.--

18 A. As used in this section:

19 (1) "child" means a person who is [~~less~~]  
20 younger than eighteen years of age;

21 (2) "neglect" means that a child is without  
22 proper parental care and control of subsistence, education,  
23 medical or other care or control necessary for the child's  
24 well-being because of the faults or habits of the child's  
25 parents, guardian or custodian or their neglect or refusal,

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1 when able to do so, to provide them; and

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

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

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

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

20 (1) placed in a situation that may endanger  
21 the child's life or health;

22 (2) tortured, cruelly confined or cruelly  
23 punished; or

24 (3) exposed to the inclemency of the weather.

25 E. A person who commits negligent abuse of a child

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1 that does not result in the child's death or great bodily harm  
2 is, for a first offense, guilty of a third degree felony and  
3 for a second and subsequent [~~offenses is~~] offense, guilty of a  
4 second degree felony. If the abuse results in great bodily  
5 harm to the child, the person is guilty of a first degree  
6 felony.

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

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

13 G. A person who commits intentional abuse of a  
14 child that does not result in the child's death or great bodily  
15 harm is, for a first offense, guilty of a second degree felony  
16 and for a second and subsequent offense, guilty of a first  
17 degree felony. If the abuse results in great bodily harm to  
18 the child, the person is guilty of a first degree felony.

19 H. A person who commits intentional abuse of a  
20 child [~~less than twelve years of age~~] that results in the death  
21 of the child is guilty of a first degree felony resulting in  
22 the death of a child.

23 I. Evidence that demonstrates that a child has been  
24 knowingly, intentionally or negligently allowed to enter or  
25 remain in a motor vehicle, building or any other premises that

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1 contains chemicals and equipment used or intended for use in  
2 the manufacture of a controlled substance shall be deemed prima  
3 facie evidence of abuse of the child.

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

8 K. A person who leaves an infant [~~less~~] younger  
9 than ninety days old at a hospital may be prosecuted for abuse  
10 of the infant for actions of the person occurring before the  
11 infant was left at the hospital."

12 SECTION 2. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is July 1, 2015.