

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 2025-02-19
Bill No: HB470

Sponsor(s) Pamela Herndon
:

Agency Name CYFD 69000
and Code
Number:

Person Writing Aaron Salas
Analysis:

Short "NEGLECTED CHILD"
Title: DEFINITION

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0		

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB 470 proposes an expansion of the definition of “neglected child” under the Abuse and Neglect Act to include situations where a child has unsupervised access to a firearm or other deadly weapon. The bill aims to hold parents, guardians, and custodians legally accountable if they negligently allow a child to have access to firearms or other deadly weapons without adult supervision.

FISCAL IMPLICATIONS

If enacted, the expanded definition of neglect would require child protective services (CPS) to investigate more cases involving firearm access, leading to higher workloads for caseworkers. If children are removed from homes due to unsafe firearm access, the foster care system may experience an increase in placements, leading to higher costs for housing, case management, and support services.

SIGNIFICANT ISSUES

If enacted, determining what constitutes “negligent access” could be subjective, leading to legal disputes over whether parents took adequate precautions. Investigating firearm-related neglect cases could strain CYFD resources, making it harder to focus on other forms of neglect or abuse. Families in rural areas often own firearms for self-defense or hunting, and the law could disproportionately affect communities where gun ownership is common. Lower-income families may not be able to afford gun safes or other security measures, increasing the likelihood of CPS intervention in those households. The bill could lead to more children being removed from their homes, particularly in cases where firearm safety education or intervention could have been a better alternative.

A key issue lies in the broad and vague definition of "deadly weapon," which is described as "an object, instrument, substance, or device" that can "easily and readily produce the death of a person." Under this definition, common items such as kitchen knives, pocket knives, baseball bats, hammers, wire, rope, screwdrivers, icepicks, rocks, and more could be classified as deadly weapons. Since the Children's Code covers children up to 18 years old, this expansive interpretation could lead to neglect being identified in a wide variety of situations. As a result, CYFD may be compelled to investigate cases more broadly than necessary, contributing to an overreach that strains already limited agency resources.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

CYFD can already make an allegation of neglect for access to firearms under the current standard for neglect in 32a-4-G(2).

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None identified as the current language in the bill allows for CYFD to address situations of neglect and abuse where access to firearms is an issue in a report of abuse/neglect. However, law enforcement and CPS may have fewer tools to intervene in unsafe home situations involving firearms.

AMENDMENTS

None.