

LFC Requester:

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO [AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2025-02-11  
**Bill No:** SB334

**Sponsor(s)** Michael Padilla  
:

**Agency Name** CYFD 69000  
**and Code**  
**Number:**

**Person Writing** Justin Boyd  
**Analysis:**

**Short** ASSAULT & BATTERY OF  
**Title:** CYFD WORKERS

**Phone:** 5054122993

**Email:** Justin.Boyd@cyfd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This legislation creates a new section of the criminal code specifically related to assault and battery against child welfare workers employed by the Children, Youth, and Families Department of New Mexico. It defines the following various offenses and their respective penalties:

1. Assault upon a child welfare worker: Includes attempting to commit battery or any act/threat that causes reasonable fear of immediate battery. Punishable as a misdemeanor.
2. Aggravated assault: Involves assaulting with a deadly weapon or with intent to commit a felony. Punishable as a third-degree felony.
3. Assault with intent to commit a violent felony: Assaulting a worker with intent to kill, punishable as a second-degree felony.
4. Battery upon a child welfare worker: Unlawful, intentional physical contact in a rude or aggressive manner, punishable as a fourth-degree felony.
5. Aggravated battery: Includes injuries causing temporary disfigurement or impairment (fourth-degree felony) or serious injuries (third-degree felony).
6. Anyone who aids in committing a battery on a child welfare worker is guilty of a fourth-degree felony.

This law aims to protect child welfare workers while they perform their duties.

**FISCAL IMPLICATIONS**

None.

**SIGNIFICANT ISSUES**

CYFD workers often interact with families during times of extreme stress and volatility which often places them at a heightened risk of assault and battery. These situations can range from the removal of children from the home to home visits being completed by Protective Services and Juvenile Justice staff. SB334 would hold those committing Assault and Battery against CYFD workers to the same level of accountability as those committing these same crimes against members of other professions such as healthcare workers and teachers.

- According to the World Health Organization (WHO), 2022 Preventing Violence Against Healthcare Workers, between 8% and 38% of health workers suffer physical violence at a certain point in their careers;
- Per 2018 data from OSHA and the Bureau of Labor Statistics, 73% of non-fatal injuries from occupational assaults and violent acts occurred in the field of health care and social services; and
- In the year 2018, the Bureau of Labor Statistics reported that Social Service workers in the public sector are approximately 5 times more likely to be victims of violent assaults while at work than workers overall.

## **PERFORMANCE IMPLICATIONS**

CYFD has performance measures concerning employee retention which may be positively affected by this bill.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

CYFD workers will continue not to be afforded the same legal protections granted to other professions despite the fact that they are just as likely, if not more likely, to be assaulted or battered while acting in the scope of their employment.

## **AMENDMENTS**

None.