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SENATE BILL 334

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY
Michael Padilla

AN ACT

RELATING TO CRIME; CREATING THE CRIMES OF ASSAULT AND BATTERY
UPON A CHILD WELFARE WORKER OF THE CHILDREN, YOUTH AND FAMILIES
DEPARTMENT; ESTABLISHING PENALTIES.

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

SECTION 1. A new section of the Criminal Code, Section
30-3-9.3 NMSA 1978, is enacted to read:

"30-3-9.3. [NEW MATERIAL] ASSAULT--BATTERY--CHILD WELFARE
WORKERS OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT.--

A. As used in this section:

(1) "child welfare worker" means an employee
of the children, youth and families department who conducts
direct services with children and families in the family
services division of the department, in the protective services
division of the department, in behavioral health services or in

1 the juvenile justice division of the department; and

2 (2) "in the lawful discharge of the child
3 welfare worker's duties" means engaged in the performance of
4 the duties of a children, youth and families department child
5 welfare worker.

6 B. Assault upon a child welfare worker consists of:

7 (1) an attempt to commit a battery upon the
8 person of a child welfare worker who is in the lawful discharge
9 of the child welfare worker's duties; or

10 (2) any unlawful act, threat or menacing
11 conduct that causes a child welfare worker who is in the lawful
12 discharge of the child welfare worker's duties to reasonably
13 believe that the child welfare worker is in danger of receiving
14 an immediate battery.

15 Whoever commits assault upon a child welfare worker is
16 guilty of a misdemeanor.

17 C. Aggravated assault upon a child welfare worker
18 consists of:

19 (1) unlawfully assaulting or striking at a
20 child welfare worker with a deadly weapon while the child
21 welfare worker is in the lawful discharge of the child welfare
22 worker's duties; or

23 (2) willfully and intentionally assaulting a
24 child welfare worker who is in the lawful discharge of the
25 child welfare worker's duties with intent to commit any felony.

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1 Whoever commits aggravated assault upon a child welfare
2 worker is guilty of a third degree felony.

3 D. Assault with intent to commit a violent
4 felony upon a child welfare worker consists of assaulting a
5 child welfare worker who is in the lawful discharge of the
6 child welfare worker's duties with intent to kill the child
7 welfare worker. Whoever commits assault with intent to commit
8 a violent felony upon a child welfare worker is guilty of a
9 second degree felony.

10 E. Battery upon a child welfare worker is the
11 unlawful, intentional touching or application of force to the
12 person of a child welfare worker who is in the lawful discharge
13 of the child welfare worker's duties, when done in a rude,
14 insolent or angry manner. Whoever commits battery upon a child
15 welfare worker is guilty of a fourth degree felony.

16 F. Aggravated battery upon a child welfare worker
17 consists of the unlawful touching or application of force to
18 the person of a child welfare worker with intent to injure that
19 child welfare worker while the child welfare worker is in the
20 lawful discharge of the child welfare worker's duties. Whoever
21 commits aggravated battery upon a child welfare worker by:

- 22 (1) inflicting an injury to the child welfare
23 worker that is not likely to cause death or great bodily harm
24 but does cause painful temporary disfigurement or temporary
25 loss or impairment of the functions of any member or organ of

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the body, is guilty of a fourth degree felony; and

(2) inflicting great bodily harm or does so with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted, is guilty of a third degree felony.

G. A person who assists or is assisted by one or more other persons to commit a battery upon a child welfare worker who is in the lawful discharge of the child welfare worker's duties is guilty of a fourth degree felony."