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FISCAL IMPACT REPORT

SPONSOR <u>Herndon</u>	LAST UPDATED <u>03/03/2025</u> ORIGINAL DATE <u>02/25/2025</u>
SHORT TITLE <u>“Neglected Child” Definition</u>	BILL NUMBER <u>House Bill 470/aHCPAC</u>
ANALYST <u>Chilton</u>	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact		

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bills 84 and 430, House Bills 303, 136, and 383

Sources of Information

LFC Files

Agency Analysis Received From

Administrative Office of the Courts (AOC)

Children, Youth and Families Department (CYFD)

Office of Family Representation and Advocacy (OFRA)

SUMMARY

Synopsis of HCPAC Amendment to House Bill 470

The House Consumer and Public Affairs Committee amendment to House Bill 470 removes the reference to “deadly weapons” and its definition, leaving unsupervised exposure to firearms as the additional basis for a determination of child neglect.

Synopsis of House Bill 470

House Bill 470 (HB470) adds to the definition of “neglected child” contained in Section 32A-4-2 NMSA 1978 a child whose parent or guardian allows the child to have access to a firearm or other deadly weapon without supervision.

The term “deadly weapon” is defined in the bill as “an object, instrument, substance, or device that could be used to inflict great bodily harm or death.” The term “firearm” is defined in the bill as it is generally understood.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 470, and no expected fiscal impact. Courts might see an increase in actions against parents for child neglect if the bill is passed, although the Office of Family Representation and Advocacy (OFRA) sees no likely significant impact on Children’s Court caseloads.

The Children, Youth and Families Department (CYFD) indicates that:

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

The Administrative Office of the Courts (AOC) notes that this piece of legislation responds to the Children’s Code Reform Task Force’s deliberations on needed changes to that code. Some members of the task force, according to AOC, feel that charging a family with child neglect after their child had injured themselves with a gun or other deadly weapon would be seen as “piling on after a tragedy.” AOC also points out that a parent leaving a child unsupervised with an unsafely stored gun would not only be subject to criminal charges under the Benny Hargrove Safe Storage Act but also be at risk of losing their child as having been neglected.

CYFD states that it can already make an allegation of neglect for firearm access according to Section 32A-4-G2.

In New Mexico, an average of 33 children and youth die from gun injury each year, with the largest number, on average 16, dying from suicide, while others are accidental or homicides. New Mexico’s gun-related suicide rate is higher than that in 45 other states, lower only than four.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to 2023 House Bill 9, which made allowing a child access to a firearm a crime.

Also relates to the following 2025 bills:

- SB84, Sharing of Certain CYFD Info;
- SB430, “Neglected Child” Definition,” which makes more extensive changes in the definition of “neglected child,” but does not mention lack of supervision with a firearm;
- HB303, Exposure to Certain Drugs as Child Abuse; and
- HB136 and HB383 Exposure to Fentanyl Use as Child Abuse.

ALTERNATIVES

OFRA suggests:

A public health approach to educating the public about the risks of children having unsupervised access to firearms and other deadly weapons would be an important companion effort to this legislation aimed at creating safe households. Such an approach could focus on decreasing the number of available weapons, promoting safe weapon storage, and non-stigmatizing public education about the dangers of weapons.

LAC/rl/SL2/rl