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FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/13
 SPONSOR Egolf LAST UPDATED 02/12/13 HB 86/aHJC
 SHORT TITLE Youth Club & Team Child Abuse Reporting SB _____
 ANALYST Aledo-Sandoval

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General’s Office (AGO)
 Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Children, Youth and Families Department (CYFD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 86 deletes the definition of “abused child” and the effective date.

Synopsis of Bill

House Bill 86 amends the Children’s Code to include leaders of youth clubs, organizations, or teams to those groups and individuals specifically identified in the law as required to report any reasonable suspicion that a child is abused or neglected. The bill also defines “abused child” to include a child who has suffered sexual abuse or exploitation by any person.

FISCAL IMPLICATIONS

The Children, Youth and Families Department (CYFD) states that there are no fiscal implications created as a result of enactment of this bill.

SIGNIFICANT ISSUES

According to the CYFD, New Mexico’s current law requires “every person” to report *and* certain categories of professionals are specifically called out as required to report. This bill would add to New Mexico’s already rigorous reporting requirement by specifically naming leaders of youth clubs, organizations, or teams as mandatory reporters. While this group is already required to report under the general language of the current law, this bill would focus attention on these youth leaders, thus responding to recent public concern about a category of individuals entrusted with the well-being and safety of children and youth.

The Public Defender Department (PDD) states that under this bill, Little League coaches, 4-H volunteers and scout leaders would have to be on the lookout for and report (for example) any incidents of “sexting” involving those in their charge. Unlike the professionals presently charged with mandated reporting, this might not be something that amateur volunteers would understand. The PDD adds that California publishes a 48-page booklet to explain the law to its wide variety of mandated reporters.

ADMINISTRATIVE IMPLICATIONS

The CYFD notes that any additional administrative duties associated with implementing the provisions of the bill can be absorbed by existing staff and adds that it may be necessary to provide training or public information to the leaders of youth clubs, organizations and teams regarding their responsibility under the law.

OTHER SUBSTANTIVE ISSUES

The Administrative Office of the District Attorneys (AODA) highlights that if HB 86’s amendment defining child abuse is intended to clarify that known or suspected child abuse “by any person” should be reported, that should extend to physical child abuse as well as sexual abuse and sexual exploitation.

POSSIBLE AMENDMENTS

The Attorney General’s Office (AGO) recommended that the definition of abused child be expanded to include a child who has suffered non-sexual physical abuse. The AGO also recommended the bill create civil tort immunity for persons who report suspected child abuse or neglect which is later deemed unsubstantiated by an agency with authority to do so.

The PDD recommends the bill be amended to include an appropriation and responsibility to provide for the education of these amateur coaches, 4-H leaders and scout leaders as to their new responsibilities and possible criminal liability for failure to meet them under the proposed law.

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