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FISCAL IMPACT REPORT

SPONSOR Ivey-Soto/Cook **ORIGINAL DATE** 01/29/14
LAST UPDATED 01/30/14 **HB** _____
SHORT TITLE Fix Outdated Child Abuse NMSA Reference **SB** 136
ANALYST Klundt

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
		n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

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

SUMMARY

Synopsis of Bill

Senate Bill 136 corrects a reference in the Crimes Against Children and Dependents Section 30-6-4, NMSA 1978. Obstruction or Reporting or Investigation of Child Abuse subsection A, changing the reference from section 32-1-15 to section 32A-4-3 NMSA 1978. Currently, the statute references outdated material requiring additional research time to locate the correct section.

FISCAL IMPLICATIONS

There is no fiscal implication for this bill.

SIGNIFICANT ISSUES

AOC reports case law interprets Section 32A-4-3A NMSA 1978 which may impact the citation and use of the statute in this bill. The issue is the interpretation of who has a duty to report; specifically, the interpretation of “every person” and the phrase regarding a social worker “acting in an official capacity”. The Court of Appeals found that “every person” means the specifically identified ten categories of people who are subject to the requirement. State v. Stauch, N.M. App., 2013. It continued by interpreting “official capacity” as meaning someone employed by or contracting with a state agency. Id at ¶ 20.

In addition, the AOC also stated that the Children’s Code is currently under review for revisions. The impact of one or more of these events may impact the Code, and ultimately, the correct and relevant citation.

ADMINISTRATIVE IMPLICATIONS

This will make the statute compliant with accurate court pleadings.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

According to both CYFD and AOC the statute will continue to contain outdated material requiring additional research time to locate the correct section.

KK/jl