

HOUSE BILL 6

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2016

INTRODUCED BY

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This document incorporates House Judiciary Committee amendments adopted during its consideration of this measure. It also includes House Floor Amendment #1 which was adopted. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE PENALTY FOR INTENTIONAL ABUSE OF A CHILD TWELVE TO EIGHTEEN YEARS OF AGE THAT RESULTS IN THE DEATH OF THE CHILD TO A FIRST DEGREE FELONY RESULTING IN THE DEATH OF A CHILD ~~DECLARING AN EMERGENCY~~; REMOVING THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF CERTAIN CRIMINAL SEXUAL OFFENSES WHERE THE VICTIM IS UNDER EIGHTEEN YEARS OF AGE; DECLARING AN EMERGENCY.

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

SECTION 1. Section 30-6-1 NMSA 1978 (being Laws 1973, Chapter 360, Section 10, as amended) is amended to read:

"30-6-1. ABANDONMENT OR ABUSE OF A CHILD.--

A. As used in this section:

(1) "child" means a person who is [less]

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younger than eighteen years of age;

(2) "neglect" means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and

(3) "negligently" refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.

B. Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. A person who commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in the child's death or great bodily harm, in which case the person is guilty of a second degree felony.

C. A parent, guardian or custodian who leaves an infant [~~less~~] younger than ninety days old in compliance with the Safe Haven for Infants Act shall not be prosecuted for abandonment of a child.

D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

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(1) placed in a situation that may endanger the child's life or health;

(2) tortured, cruelly confined or cruelly punished; or

(3) exposed to the inclemency of the weather.

E. A person who commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and, for a second ~~[and]~~ or subsequent ~~[offenses]~~ offense, is guilty of a second degree felony. If the abuse results in great bodily harm to the child, the person is guilty of a first degree felony.

F. A person who commits negligent abuse of a child that results in the death of the child is guilty of a first degree felony.

~~[G. A person who commits intentional abuse of a child twelve to eighteen years of age that results in the death of the child is guilty of a first degree felony.]~~

~~H.]~~ G. A person who commits intentional abuse of a child ~~[less than twelve years of age]~~ that results in the death of the child is guilty of a first degree felony resulting in the death of a child.

~~[F.]~~ H. Evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises

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that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child.

[J-] I. Evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine shall be deemed prima facie evidence of abuse of the child.

[K-] J. A person who leaves an infant [~~less~~] younger than ninety days old at a hospital may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the hospital."

~~SECTION 2.--EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.~~

SECTION 2. Section 30-1-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A person shall not be prosecuted, tried or punished in any court of this state unless the indictment is found or information or complaint is filed within the time as provided:

A. for a second degree felony, except as provided in Subsection I of this section, within six years from the time the crime was committed;

B. for a third or fourth degree felony, except as provided in Subsection I of this section, within five years

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from the time the crime was committed;

C. for a misdemeanor, except as provided in Subsection I of this section, within two years from the time the crime was committed;

D. for a petty misdemeanor, within one year from the time the crime was committed;

E. for any crime against or violation of Section 51-1-38 NMSA 1978, within three years from the time the crime was committed;

F. for a felony pursuant to Section 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the crime was committed; provided that for a series of crimes involving multiple filing periods within one calendar year, the limitation shall begin to run on December 31 of the year in which the crimes occurred;

G. for an identity theft crime pursuant to Section 30-16-24.1 NMSA 1978, within five years from the time the crime was discovered;

H. for any crime not contained in the Criminal Code or where a limitation is not otherwise provided for, within three years from the time the crime was committed; and

I. for a capital felony [ø], a first degree violent felony or a violation of Section 30-9-1, 30-9-11 or 30-9-13 NMSA 1978, no limitation period shall exist and prosecution for these crimes may commence at any time after the

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occurrence of the crime."

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.