

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 25 FEB 2025 *Check all that apply:*  
**Bill Number:** HB3031a Original  Correction   
 Amendment  Substitute

**Sponsor:** Dow, Armstrong, Jones, A. Martinez **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** EXPOSURE TO CERTAIN DRUGS AS CHILD ABUSE **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

SB 303 proposed to amend both the Criminal Code and the Abuse and Neglect Act. Would constitute child abuse to expose a child to a schedule I or II controlled substance and necessitates taking newborn children into temporary protective custody who have been exposed to such drugs. Specifies circumstances under which a newborn child may be taken into protective custody.

SB303la removed wording on page 4 in two different paragraphs. Removed the following language from both paragraphs: It shall be no defense to the crime of abuse of a child that the defendant did not know that a child was present, a child could be found, a child resided on the premises or a vehicle contained a child. Still no implications to DPS.

### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

### **SIGNIFICANT ISSUES**

No significant issues to DPS.

### **PERFORMANCE IMPLICATIONS**

Although there are no performance implications to DPS, this bill directly addresses the growing concern of exposing children to dangerous substances. By classifying the exposure of a child to a Schedule I or Schedule II controlled substance as child abuse, the bill ensures that law enforcement has a clear framework to intervene when a child's safety is jeopardized by substance abuse. The bill explicitly defines what constitutes child abuse in the context of substance exposure. This clear definition will help law enforcement and child protective services swiftly identify and act on cases where children are exposed to hazardous environments or substances.

The provision for taking newborns into temporary protective custody provides law enforcement with the tools to remove children from harmful environments quickly, in accordance with medical professionals' findings, without unnecessary delays. This ensures timely protection while legal processes are underway.

The bill ensures that law enforcement may temporarily take a newborn into protective custody only under specific circumstances, such as an emergency situation where the child is seriously endangered. This provides a balance between swift protective action and respect for legal processes, with provisions to ensure the child is released if the court denies the protective custody request. Moreover, the requirement for a court order ensures due process and oversight in cases where protective custody is extended beyond a short-term emergency. This ensures that state intervention is properly scrutinized.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

### **TECHNICAL ISSUES**

No technical issues to DPS.

### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

### **ALTERNATIVES**

Not applicable as no impact to DPS.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo will remain.

**AMENDMENTS**

None at this time.