

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 303

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO CRIME; PROVIDING FOR EXPOSURE OF A CHILD TO CERTAIN
DRUGS TO CONSTITUTE ABUSE OF A CHILD; PROVIDING FOR COURT
INTERVENTION OR OTHER FAMILY SERVICES AFTER THE CHILDREN, YOUTH
AND FAMILIES DEPARTMENT'S DETERMINATION OF SUBSTANTIATED ABUSE
OR NEGLECT OF A CHILD; 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 than
eighteen years of age;

(2) "neglect" means that a child is without
proper parental care and control of subsistence, education,

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underscored material = new
[bracketed material] = delete

1 medical or other care or control necessary for the child's
2 well-being because of the faults or habits of the child's
3 parents, guardian or custodian or their neglect or refusal,
4 when able to do so, to provide them; and

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

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

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

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

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

25 (2) tortured, cruelly confined or cruelly

1 punished; [~~or~~]

2 (3) exposed to the inclemency of the weather;

3 or

4 (4) born with a medically verified presence of
5 methamphetamine, fentanyl, heroin or cocaine in the child's
6 system as a result of prenatal exposure to unlawful drug use
7 during pregnancy.

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

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

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

20 H. A person who commits intentional abuse of a
21 child less than twelve years of age that results in the death
22 of the child is guilty of a first degree felony resulting in
23 the death of a child.

24 I. Evidence that demonstrates that a child has been
25 knowingly, intentionally or negligently allowed to enter or

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1 remain in a motor vehicle, building or any other premises that
2 contains chemicals and equipment used or intended for use in
3 the manufacture of a controlled substance shall be deemed prima
4 facie evidence of abuse of the child.

5 J. Evidence that demonstrates that a child has been
6 knowingly and intentionally exposed to the use of
7 methamphetamine shall be deemed prima facie evidence of abuse
8 of the child.

9 K. A person who leaves an infant less than ninety
10 days old at a hospital may be prosecuted for abuse of the
11 infant for actions of the person occurring before the infant
12 was left at the hospital."

13 SECTION 2. Section 32A-3B-2 NMSA 1978 (being Laws 1993,
14 Chapter 77, Section 74, as amended) is amended to read:

15 "32A-3B-2. [~~DEFINITIONS~~] DEFINITION.--As used in Chapter
16 32A, Article 3B NMSA 1978, "family in need of court-ordered
17 services" means the child or the family has refused family
18 services or has failed to follow through with family services
19 or the department has exhausted appropriate and available
20 family services and court intervention is necessary to provide
21 family services to the child or family and it is a family:

22 A. whose child, subject to compulsory school
23 attendance, is absent from school without an authorized excuse
24 more than ten days during a school year;

25 B. whose child is absent from the child's place of

1 residence for a time period of twelve hours or more without
2 consent of the child's parent, guardian or custodian;

3 C. whose child refuses to return home and there is
4 good cause to believe that the child will run away from home if
5 forced to return to the parent, guardian or custodian;

6 D. in which the child's parent, guardian or
7 custodian refuses to allow the child to return home and a
8 petition alleging neglect of the child is not in the child's
9 best interests; ~~[or]~~

10 E. whose child is:

11 (1) alleged to be engaged in an act that would
12 be designated as prostitution if committed by an adult; or

13 (2) a victim of human trafficking as defined
14 in Section 30-52-1 NMSA 1978; or

15 F. in which the allegations of child abuse or
16 neglect against the child's parent, guardian or legal custodian
17 have been investigated by the department and found to be
18 substantiated and it has been determined that court
19 intervention is necessary to ensure the safety and well-being
20 of the child or to facilitate access to services for the
21 family, but the department determined that filing an abuse or
22 neglect petition was not in the child's best interest."

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