

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 935

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO CRIMINAL LAW; REVISING THE ELEMENTS OF THE CRIMINAL  
OFFENSE OF ABUSE OF A CHILD; AMENDING A SECTION OF THE NMSA  
1978.

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 ~~[has not reached~~  
~~his age of majority]~~ is less than eighteen years of age; [and]

(2) "neglect" means that a child is without  
proper parental care and control of subsistence, education,  
medical or other care or control necessary for his well-being  
because of the faults or habits of his parents, guardian or

Underscored material = new  
[bracketed material] = delete

1       custodian or their neglect or refusal, when able to do so, to  
2       provide them; and

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

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

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

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

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

21                      (3) exposed to the inclemency of the weather.

22                      Whoever commits abuse of a child which does not result in  
23      the child's death or great bodily harm is, for a first offense,  
24      guilty of a third degree felony and for second and subsequent  
25      offenses is guilty of a second degree felony. If the abuse

Underscored material = new  
~~[bracketed material] = delete~~

1 results in great bodily harm or death to the child, he is guilty  
2 of a first degree felony. "

3 Section 2. EFFECTIVE DATE. --The effective date of the  
4 provisions of this act is July 1, 1997.

5 - 3 -  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**State of New Mexico**  
**House of Representatives**

**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

**March 5, 1997**

**Mr. Speaker:**

**Your JUDICIARY COMMITTEE, to whom has been referred**

**HOUSE BILL 935**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

---

**Thomas P. Foy, Chairman**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Rios, Sanchez

Absent: None

M \H0935

Underscored material = new  
~~[bracketed material] = delete~~

# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 5, 1997**

**Mr. Speaker:**

**Your JUDICIARY COMMITTEE, to whom has been referred**

**HOUSE BILL 935**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

---

**Thomas P. Foy, Chairman**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Rios, Sanchez

Absent: None

M \H0935

Underscored material = new  
~~[bracketed material] = delete~~