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SENATE BILL 213

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING THAT THE CRIME OF ABUSE OF  
A CHILD INCLUDES LEAVING A CHILD IN A MOTOR VEHICLE UNDER  
CERTAIN CIRCUMSTANCES.

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,  
medical or other care or control necessary for the child's  
well-being because of the faults or habits of the child's

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

3 (3) "negligently" refers to criminal  
4 negligence and means that a person knew or should have known of  
5 the danger involved and acted with a reckless disregard for the  
6 safety or 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. A person who commits abandonment of a  
11 child is guilty of a misdemeanor, unless the abandonment  
12 results in the child's death or great bodily harm, in which  
13 case the person is guilty of a second degree felony.

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

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

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

23 (2) tortured, cruelly confined or cruelly  
24 punished; [ø#]

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

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1 or

2 (4) placed in a motor vehicle under  
3 circumstances that manifest an extreme indifference to human  
4 life and that create a grave risk of death to the child and the  
5 child is under eight years of age.

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

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

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

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

22 I. Evidence that demonstrates that a child has been  
23 knowingly, intentionally or negligently allowed to enter or  
24 remain in a motor vehicle, building or any other premises that  
25 contains chemicals and equipment used or intended for use in

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1 the manufacture of a controlled substance shall be deemed prima  
2 facie evidence of abuse of the child.

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

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