

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: 1/21/2025 *Check all that apply:*
Bill Number: HB 87 Original Correction
 Amendment Substitute

Sponsor: Dayan Hochman-Vigil **Agency Name and Code** AOC 218
Short Title: Non-consensual Touching Clarification **Number:** _____
Person Writing Adam Leuschel
Phone: 505-699-6451 **Email** aocapl@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 87 amends NMSA 1978, Section 30-9-12 to make non-consensual touching of an intimate part a crime regardless of whether that intimate part is clothed or unclothed. Specifically, HB 87 amends NMSA 1978, Section 30-9-12 by removing the word “unclothed” from the phrase “unclothed intimate parts” in the definition of criminal sexual contact.

HB 87 also changes the phrase “his eighteenth birthday” to “eighteen years of age” and creates a new subsection D for the sentence “Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.” HB 87 renumbers existing subsections D and E as subsections E and F to account for the newly-created subsection D.

There is no appropriation listed in this bill.

There is no effective date of this bill. It is assumed that the effective date is June 20, 2025, which is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Section 30-9-12 has not been amended since 1993. Since then, there has been a greater understanding that unwanted sexual contact can occur regardless of how or whether one is dressed. The majority of other states have amended their laws addressing unwanted sexual contact to either 1) not reference dress or 2) specify that clothed vs. unclothed is irrelevant. This amendment would update New Mexico’s definition of “criminal sexual contact” to allow more assaulters to face penalties for unwanted sexual contact and be more consistent with other definitions nationwide.

The expanded definition of “criminal sexual contact” removes the requirement that non-consensual touching be to an unclothed intimate part. This change would likely increase the number of defendants charged under NMSA 1978, Section 30-9-12. More defendants will require additional judge time, court staff time, and courtroom availability, and would increase the time required to dispose of cases.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on

the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “fiscal implications” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS