

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](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:** February 11, 2025 *Check all that apply:*  
**Bill Number:** HB 320 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b> <u>Stefani Lord/John Block</u>	<b>Agency Name and Code Number:</b> <u>Administrative Office of the District Attorneys 264</u>
<b>Short Title:</b> <u>Criminalize Necrophilia</u>	<b>Person Writing:</b> <u>Donald Gallegos</u>
	<b>Phone:</b> <u>5757703120</u> <b>Email:</b> <u>dgallegos@questalaw.</u>

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

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

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

(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**

Synopsis:

HB 320 will make necrophilia a crime and prescribes penalties for convictions.

The penalty for a person convicted of using a dead human body for sexual purposes, is a second-degree felony, which is up to 9 years in prison and a \$5000 fine.

The penalty for a person convicted of touching the clothed or unclothed intimate parts of a dead human body for sexual purposes is a third-degree felony which is up to 3 years in prison and a \$5000 fine.

The penalty for a person convicted of criminal desecration of a dead human body is a fourth-degree felony which is up to 18 months in prison and a \$5000 fine.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.  
None

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

No major impacts on prosecutors.

It may be helpful to add a definition of “sexual purposes” in order to avoid confusion when drafting/using jury instructions. For example:

Definitions:

Sexual Purposes means any or all of the following:  
Vaginal intercourse.

Anal intercourse.

Cunnilingus.

Fellatio.

Causing the penetration, to any extent and with any object, of the genital or anal openings of a dead human body, whether or not there is any emission.

Touching the clothed or unclothed intimate parts of a dead human body.

Causing a dead human body to touch the intimate parts of a person.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

Section 30-6A-2A, NMSA 1978. Definition of “prohibited sexual acts.”

## **TECHNICAL ISSUES**

Eliminating the language “sexual purposes” in Subsection A (1) and (2) will make it a strict liability crime and eliminate the possible difficulties prosecutors may have proving “sexual purposes”

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

Status Quo.

## **AMENDMENTS**