

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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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:** 02/19/2025 *Check all that apply:*  
**Bill Number:** HB451 Original  Correction   
 Amendment  Substitute

**Sponsor:** Linda Serrato & John Block **Agency Name and Code Number:** 770-NMCD  
**Short Title:** Indecent Exposure to Child out of View **Person Writing:** Anisa Griego-Quintana  
**Phone:** 505-479-2296 **Email:** anisa.griego-quinta@cd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	0	0	0	N/A	N/A

(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: House Bill 451 would create a new crime of “indecent exposure to a child out of public view,” which carries a misdemeanor penalty.

The crime would apply retroactively and to all actions not currently pending, regardless of the date of the exposure or any statute of limitations on such actions in the past, so could potentially open an avenue to pursue civil charges in cases that have timed out.

Defines “child” as a person under the age of 18. Defines “indecent exposure to a child out of public view” as a person 18 or older knowingly and intentionally exposing the person’s primary genital area to a child in a lewd and lascivious manner, when the person and child are in a nonpublic place. Defines “primary genital area” as mons pubis, penis, testicles, mons veneris, vulva or vagina.

#### **FISCAL IMPLICATIONS**

None for the Corrections Department.

#### **SIGNIFICANT ISSUES**

None for the Corrections Department.

#### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

#### **ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

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

None for the Corrections Department.

#### **TECHNICAL ISSUES**

This proposed new misdemeanor may violate federal and state prohibitions against ex post facto laws because it is retroactive.

#### **OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

## **ALTERNATIVES**

None for the Corrections Department.

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

Status quo.

## **AMENDMENTS**

None proposed by the Corrections Department.