

<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:** 2/22/2025 *Check all that apply:*  
**Bill Number:** HB 530 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Christine Chandler **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** CIVIL SUIT FOR SENSITIVE DEEPFAKE IMAGES **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HB 60, 2025 Regular  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Creates a new crime for threatening to distribute sensitive images, making it a petty misdemeanor for the first offense and full misdemeanor for the second or subsequent offense. Clarifies the definition of “intimate act” and adds a definition for “sensitive deep fake image.” Creates a legal definition and avenue to pursue civil suit and damages for the distribution of “sensitive deepfake images” under Sec. 30-37A-1.

### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

### **SIGNIFICANT ISSUES**

The provisions in this bill provide that a victim of the crime provided for in Subsection G of Section 30-6A-3 NMSA 1978 (sexual exploitation of children) or a victim of a crime provided for in Section 30-37A-1 NMSA 1978 (Unauthorized distribution of sensitive images) shall establish a prima facie case for a claim of intentional infliction of emotional distress upon filing a petition in the district court for such a claim. A “prima facie case” refers to the establishment of sufficient evidence to support the claim at the outset, without needing additional evidence at the initial filing. Therefore, victims of these two crimes could be presumed to have a valid claim for emotional distress from the moment they bring their case to court. This provision would likely help streamline the legal process for victims of these specific crimes, potentially lowering the burden of proof in early stages of a lawsuit. It would also reduce the potential for revictimization in bringing a claim.

### **PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

### **ADMINISTRATIVE IMPLICATIONS**

No fiscal impact to DPS.

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

Relates to HB 60, 2025 Regular.

### **TECHNICAL ISSUES**

No technical issues to DPS.

### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

### **ALTERNATIVES**

Not applicable as no impact to DPS.

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

Status quo will remain.

### **AMENDMENTS**

None at this time.