

HOUSE BILL 87

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Dayan Hochman-Vigil

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATED TO CRIMINAL SEXUAL CONTACT; ELIMINATING THE REQUIREMENT THAT THE NON-CONSENSUAL TOUCHING BE TO AN UNCLOTHED INTIMATE PART.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-9-12 NMSA 1978 (being Laws 1975, Chapter 109, Section 3, as amended) is amended to read:

"30-9-12. CRIMINAL SEXUAL CONTACT.--

.228508.1AIC February 23, 2025 (9:15am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

A. Criminal sexual contact is the unlawful and intentional touching of or application of force, without consent, HJC→with the intent to arouse or gratify sexual desire,←HJC to the HJC→clothed or←HJC HJC→[unclothed]←HJC HJC→unclothed←HJC intimate parts of another who has reached [his eighteenth birthday] eighteen years of age, or intentionally causing another who has reached [his eighteenth birthday] eighteen years of age to touch one's HJC→clothed or unclothed←HJC intimate parts.

HJC→~~B. Criminal sexual contact does not include touching by a psychotherapist on [his] a patient that is:~~

~~(1) inadvertent;~~

~~(2) casual social contact not intended to be sexual in nature; or~~

~~(3) generally recognized by mental health professionals as being a legitimate element of psychotherapy.~~←HJC

HJC→~~C.~~←HJC HJC→**B.**←HJC Criminal sexual contact in the fourth degree consists of all criminal sexual contact perpetrated:

(1) by the use of force or coercion that results in personal injury to the victim;

(2) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons; or

(3) when the perpetrator is armed with a

underscoring material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

deadly weapon.

HJC→~~D.~~←HJC HJC→C.←HJC Whoever commits criminal sexual contact in the fourth degree is guilty of a fourth degree felony.

[D-] HJC→~~E.~~←HJC HJC→D.←HJC Criminal sexual contact is a misdemeanor when perpetrated with the use of force or coercion.

[E-] HJC→~~F.~~←HJC HJC→E.←HJC For the purposes of this section HJC→,←HJC HJC→:

(1)←HJC "intimate parts" means the primary genital area, groin, buttocks, anus or breast HJC→."←HJC HJC→;
and

(2) "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina."←HJC