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HOUSE BILL 87

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

INTRODUCED BY

Dayan Hochman-Vigil

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.--

A. Criminal sexual contact is the unlawful and intentional touching of or application of force, without consent, to the [~~unclothed~~] 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 intimate parts.

B. Criminal sexual contact does not include

underscoring material = new
~~[bracketed material] = delete~~

1 touching by a psychotherapist on [~~his~~] a patient that is:

2 (1) inadvertent;

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

5 (3) generally recognized by mental health
6 professionals as being a legitimate element of psychotherapy.

7 C. Criminal sexual contact in the fourth degree
8 consists of all criminal sexual contact perpetrated:

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

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

13 (3) when the perpetrator is armed with a
14 deadly weapon.

15 D. Whoever commits criminal sexual contact in the
16 fourth degree is guilty of a fourth degree felony.

17 [~~D.~~] E. Criminal sexual contact is a misdemeanor
18 when perpetrated with the use of force or coercion.

19 [~~E.~~] F. For the purposes of this section, "intimate
20 parts" means the primary genital area, groin, buttocks, anus or
21 breast."