

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

**Original**  **Amendment**  
**Correction**  **Substitute**

**Date Prepared:** 2025-01-21  
**Bill No:** HB87

**Sponsor(s)** Dayan Hochman-Vigil  
:

**Agency Name** CYFD 69000  
**and Code**  
**Number:**  
**Person Writing**  
**Analysis:**  
**Phone:**

**Short** NON-CONSENSUAL  
**Title:** TOUCHING  
CLARIFICATION

**Email:**

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

The bill proposes to amend Section 30-9-12 NMSA (criminal sexual contact statute) by expanding the definition to include intentional, non-consensual touching of clothed intimate parts of another who has reached eighteen years of age. The “eighteen years of age” language replaces “eighteenth birthday.” The bill proposes to do away with the term “his,” the possessive pronoun to indicate that “something belongs or relates to a man, boy, or male” expanding the alleged victim beyond a man, boy, or male.

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

There may be concerns about overly broad language or unintended consequences of expanding the definition of criminal sexual contact. Including non-consensual touching over clothing could lead to ambiguous interpretations of intent or escalate minor incidents into criminal charges. This could potentially overwhelm the justice system with cases that lack clear evidence of harmful intent. On the other hand, not enacting HB 87 would maintain the current legal requirement that non-consensual touching must involve unclothed intimate parts to constitute criminal sexual contact. This limitation allows offenders who engage in unwanted touching over clothing to evade appropriate legal consequences, leaving victims without adequate protection under the law.

**PERFORMANCE IMPLICATIONS**

None.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

None.

**AMENDMENTS**

None.