

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: 21 JAN 2025 *Check all that apply:*
Bill Number: HB 87 Original Correction
 Amendment Substitute

Sponsor: Dayan Hochman-Vigil **Agency Name and Code** 790 – Department of Public Safety
 Criminal Sexual Contact where Victim is Clothed
Short Title: **Person Writing** Dale R. Wagoner
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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
Total	NFI	NFI	NFI	NFI	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

HB 87 amends Section 30-9-12 of the New Mexico Statutes to broaden the definition of criminal sexual contact. The bill eliminates the requirement that non-consensual touching must involve unclothed intimate parts, thereby expanding legal protections for victims. Under the revised statute, criminal sexual contact includes the unlawful and intentional touching of, or application of force to, the intimate parts of an individual aged 18 or older without consent, regardless of whether the intimate parts are clothed or unclothed. It also encompasses intentionally causing another person aged 18 or older to touch one's intimate parts under the same conditions. This amendment clarifies and strengthens protections for victims, ensuring that non-consensual touching through clothing constitutes a prosecutable offense.

FISCAL IMPLICATIONS

The bill's enactment could result in increased costs for the judicial and correctional systems due to the potential rise in prosecutions and convictions. Additional funds may be needed for law enforcement training, public awareness campaigns, and victim advocacy services. Any operating budget impact will depend on case volume increases, requiring coordination among criminal justice agencies to assess resource allocation.

SIGNIFICANT ISSUES

This legislation reflects evolving societal standards by recognizing non-consensual touching, even through clothing, as a form of sexual misconduct. It clarifies existing legal definitions and enhances protections for victims.

However, HB 87, as currently drafted, does not align with New Mexico's goal of achieving compliance with the Adam Walsh Act. Enacted in 2006, the Adam Walsh Act establishes federal standards for sex offender registration and notification to improve public safety and streamline offender tracking across states. While HB 87 addresses important concerns, it does not significantly advance the state's efforts to meet these federal requirements.

PERFORMANCE IMPLICATIONS

DPS supports these critical changes to New Mexico's criminal code to strengthen New Mexico's legal framework by aligning state laws with modern definitions of sexual misconduct, including non-consensual touching through clothing. These updates could improve public confidence in the criminal justice system and encourage higher reporting rates of such offenses. Implementing the legislation would require law enforcement agencies to update protocols and provide additional training for personnel.

However, as drafted, the bill does not align with New Mexico's goal of achieving compliance with the Adam Walsh Act. This federal law, enacted in 2006, sets nationwide standards for sex offender registration and notification to enhance public safety and facilitate interjurisdictional tracking. While the bill addresses important aspects of sexual misconduct, it does not significantly advance the state's efforts to meet these federal requirements.

ADMINISTRATIVE IMPLICATIONS

Criminal justice and law enforcement agencies and the judiciary may need training to interpret and apply the revised definition effectively. Public awareness initiatives will be essential to educate both citizens and officials about the new legal standard. These changes may necessitate collaboration with advocacy groups to support victims under the expanded criteria.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

As drafted, HB 87 does not significantly contribute to New Mexico's efforts to align with the requirements of the Adam Walsh Act, a federal law established in 2006.

For HB 87 to align with these requirements, it would need to be revised to mandate that individuals convicted under State Statute 30-9-12 for criminal sexual contact (a misdemeanor) register as sex offenders for life. Additionally, the definition of "sex offense" in 29-11A-3 I-(2) would require modification to encompass misdemeanors, thereby necessitating lifetime registration for those convicted of the misdemeanor offense under 30-9-12. Furthermore, §30-9-12 concerning criminal sexual contact in the fourth degree would need to be amended to stipulate those individuals convicted of this offense be listed on a public sex offender registry.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None proposed at this time.