

LFC Requester:	
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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}

Check all that apply:

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

Date Prepared: 2025-02-19
Bill No: HB451

Sponsor(s) Linda Serrato
: John Block

Agency Name and Code CYFD 69000
Number:

Person Writing Analysis: Cynthia Aragon

Short Title: INDECENT EXPOSURE TO
CHILD OUT OF VIEW

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

The bill amends Chapter 30, Article 9 of the Criminal Code to add the offense of indecent exposure to a child out of public view and its associated penalty.

The bill specifically states that indecent exposure to a child out of public view consists of a person eighteen years of age or older who knowingly and intentionally exposes the person's primary genital to a child in a lewd and lascivious manner when the person and child are in a nonpublic place. The proposed bill defines child and primary genital area and subjects the person who is found guilty to a misdemeanor penalty. The bill proposes retroactive application regardless of the date of the alleged incident and expiration of the statute of limitations.

FISCAL IMPLICATIONS

There are no fiscal implications for CYFD. This proposed legislation does not impact CYFD's juvenile delinquency process and the handling, supervision and receipt of delinquency cases.

SIGNIFICANT ISSUES

The proposed retroactive application regardless of the date of the alleged incident and the expiration of the statute of limitations may result in more reporting of the alleged crime, but there is no significant impact to CYFD.

PERFORMANCE IMPLICATIONS

Whether or not the retroactive application would be applicable to juvenile delinquency cases is yet to be determined. However, there does not appear to be an impact to CYFD and the handling of juvenile delinquency matters due to clear

statutory provisions in the Children Code and the Children Court Rules which are outside the purview of adult criminal matters.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

The application of retroactive application which is limited to the criminal code and the specific alleged crime of indecent exposure to a child out of public view would not impact potential civil litigation and tort claims against CYFD due to no changes in the filing requirements of those civil matters.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None.