LFC Requester:	

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

<u>AgencyAnalysis.nmlegis.gov</u> and email to <u>billanalysis@dfa.nm.gov</u>

(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**: February 21, 2025 *Check all that apply:* **Bill Number:** HB 558 Original X Correction ___ Amendment __ Substitute __ **Agency Name** Administrative Office of the and Code District Attorneys 264 **Number: Sponsor:** John Block and Rebecca Dow No Sexually explicit material in **Person Writing Short** Troy Davis schools Title: **Phone:** 5053858461 Email Davistr@msn.com **SECTION II: FISCAL IMPACT**

APPROPRIATION (dollars in thousands)

Appropriation		Recurring	Fund	
FY25	FY26	or Nonrecurring	Affected	

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring	Fund
FY25	FY26	FY27	or Nonrecurring	Affected

(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						

(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

Synopsis:

House Bill 558 is to prohibit sexually explicit material in public schools. HB 558 define terms related to sexually oriented material harmful to minors and provides enforcement of these prohibitions. "Sexually Explicit Material" Any content not classified as sexual education, including: Depictions of sexual acts, Nudity intended to arouse, Lascivious dialogue or imagery and depictions of sexual violence or exploitation. The Education Department will create rules for enforcement, including: Unlicensed Employees: Subject to termination for violations. Licensed Employees: Face termination and potential license revocation. Contractors/Volunteers: Access to schools may be revoked. Violating districts or charter schools may face fines up to \$500 per incident.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

TECHNICAL ISSUES

"39-37-5 EXCLUSIONS—DEFENSES states "no person shall be guilty of violating the provisions of" House Bill 558 is not a criminal statue but a civil enforcement statue with penalties against employment and fines. There is a different burden of proof standard for civil enforcement vs criminal enforcement.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP