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HOUSE BILL 558

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

INTRODUCED BY

John Block and Rebecca Dow

AN ACT

RELATING TO SEXUALLY ORIENTED MATERIAL HARMFUL TO MINORS;
PROHIBITING SEXUALLY EXPLICIT MATERIAL AT PUBLIC SCHOOLS,
DEFINING TERMS AND PROVIDING FOR ENFORCEMENT; AMENDING SECTION
30-37-5 NMSA 1978 (BEING LAWS 1973, CHAPTER 257, SECTION 5) TO
REMOVE EXCLUSIONS AND DEFENSES RELATED TO SCHOOLS FOR THE
CRIMES ENUMERATED IN CHAPTER 30, ARTICLE 37 NMSA 1978; MAKING
CONFORMING AMENDMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] PROTECTION OF STUDENTS FROM SEXUALLY
EXPLICIT MATERIAL--DEFINITIONS--PROHIBITED MATERIAL AND
ACTIVITIES--ENFORCEMENT.--

A. As used in this section:

underscoring material = new
[bracketed material] = delete

1 (1) "sexual education and biology material"
2 means medically or scientifically accurate material or content
3 that has educational value and meets department-approved
4 academic content and performance standards for age-appropriate
5 sexual education, health, biology or related science courses;
6 and

7 (2) "sexually explicit material" means
8 material or content, in any format, that is not sexual
9 education and biology material or suitable for broadcast on
10 radio or television in accordance with federal law or rules and
11 regulations promulgated by the federal communications
12 commission and includes:

13 (a) gratuitous depictions or
14 descriptions of sexual intercourse, sexual contact or sexual
15 acts, including sodomy, oral-genital contact, masturbation or
16 penetration;

17 (b) nudity, genitalia or other sexual
18 organs depicted or described in a manner intended to arouse or
19 appeal to prurient interests;

20 (c) a writing, image or audio containing
21 lascivious or prurient dialogue, conduct or imagery; or

22 (d) gratuitous depictions or
23 descriptions of sexual violence, exploitation or abuse,
24 including rape, incest, pedophilia or other nonconsensual
25 sexual acts.

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

1 B. Sexually explicit material shall be prohibited
2 at public schools and shall not be used by a school employee or
3 a public school contractor or volunteer in curricula,
4 instruction or extracurricular activities.

5 C. A school employee or a public school contractor
6 or volunteer shall not knowingly provide, recommend or
7 otherwise make available sexually explicit material to a
8 student at a public school or an extracurricular activity.

9 D. The department shall promulgate rules for local
10 school boards and charter school governing bodies to enforce
11 the provisions of this section in accordance with the
12 following:

13 (1) an unlicensed school employee who violates
14 the provisions of Subsection B or C of this section shall be
15 subject to termination or discharge pursuant the School
16 Personnel Act;

17 (2) a licensed school employee who violates
18 the provisions of Subsection B or C of this section shall be
19 subject to termination or discharge and denial, suspension or
20 revocation of a department-issued license pursuant to the
21 School Personnel Act and the Uniform Licensing Act; and

22 (3) a public school contractor or volunteer
23 who violates the provisions of Subsection B or C of this
24 section shall have the contractor's or volunteer's privilege of
25 accessing a public school revoked.

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underscoring material = new
[bracketed material] = delete

1 E. The department shall seek a fine not to exceed
2 five hundred dollars (\$500) per incident from a school district
3 or charter school that violates the provisions of Subsection B
4 or C of this section or that fails to comply with the
5 provisions of Subsection D of this section."

6 SECTION 2. Section 30-37-5 NMSA 1978 (being Laws 1973,
7 Chapter 257, Section 5) is amended to read:

8 "30-37-5. EXCLUSIONS--DEFENSES.--No person shall be
9 guilty of violating the provisions of [~~this act~~] Chapter 30,
10 Article 37 NMSA 1978:

11 A. where [~~such~~] the person had reasonable cause to
12 believe that the minor involved had reached [~~his eighteenth~~
13 ~~birthday~~] eighteen years of age, and [~~such~~] the minor exhibited
14 to [~~such~~] the person a draft card, driver's license, birth
15 certificate or other official or apparently official document
16 purporting to establish that [~~such~~] the minor had reached [~~his~~
17 ~~eighteenth birthday; or~~] eighteen years of age;

18 B. if the minor was accompanied by [~~his~~] a parent
19 or guardian, or the parent or guardian has in writing waived
20 the application of [~~this act~~] Chapter 30, Article 37 NMSA 1978
21 either generally or with reference to the particular
22 transaction; [~~or~~]

23 C. where [~~such~~] the person had reasonable cause to
24 believe that the person was the parent or guardian of the
25 minor; or

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[bracketed material] = delete

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D. where [~~such~~] the person is a bona fide [~~school~~]
museum or public library or is acting in [~~his~~] the capacity as
an employee of [~~such~~] the organization, or as a retail outlet
affiliated with and serving the educational purposes of [~~such~~]
the organization."

SECTION 3. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2025.