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AN ACT

RELATING TO CRIMES; CREATING THE CRIMES OF BESTIALITY,
PROMOTING BESTIALITY AND AGGRAVATED BESTIALITY; PRESCRIBING
PENALTIES.

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

SECTION 1. A new section of the Criminal Code,
Section 30-9A-1 NMSA 1978, is enacted to read:

"30-9A-1. SHORT TITLE.--Chapter 30, Article 9A
NMSA 1978 may be cited as the "Animal Sexual Abuse Act"."

SECTION 2. A new section of the Criminal Code,
Section 30-9A-2 NMSA 1978, is enacted to read:

"30-9A-2. DEFINITIONS.--As used in the Animal Sexual
Abuse Act:

A. "animal" means any wild or domestic fauna,
including livestock, alive or dead, in any setting, that is
not a human being;

B. "coerce" means the use of threat, physical
force or violence against another person to commit an act of
bestiality;

C. "manipulate" means the use of persuasion,
extortion, retaliation, deceit or other acts not involving
force or coercion to cause another person to commit an act of
bestiality;

D. "orifice" means the mouth, vulva or anus;

1 E. "sexual contact with an animal" means:

2 (1) the intentional insertion of the
3 genitals or mouth of an animal into an orifice of a human's
4 body;

5 (2) the intentional insertion of the
6 genitals or mouth of a human into an orifice of an animal's
7 body;

8 (3) the intentional insertion of an object
9 into the genitals or anus of an animal; and

10 (4) contact, handling or stimulation of the
11 genitals or anus of an animal by a human.

12 "Sexual contact with an animal" does not include
13 accepted veterinary medical practices; accepted animal
14 husbandry, care and grooming practices in the caretaking of
15 animals; accepted practices related to the insemination of
16 animals for the purpose of procreation; or accepted practices
17 related to conformation judging; and

18 F. "solicit" means to entice, induce, encourage or
19 attempt to persuade another person to commit an act of
20 bestiality."

21 SECTION 3. A new section of the Criminal Code,
22 Section 30-9A-3 NMSA 1978, is enacted to read:

23 "30-9A-3. BESTIALITY--AGGRAVATED BESTIALITY--
24 PENALTIES.--

25 A. Bestiality consists of a person engaging in

1 sexual contact with an animal. A person who commits
2 bestiality is guilty of a fourth degree felony.

3 B. Promoting bestiality consists of a person:

4 (1) coercing, soliciting or manipulating a
5 human to commit bestiality; or

6 (2) selling or transferring, offering to
7 sell or transfer, advertising for sale or transfer,
8 purchasing or offering to purchase, possessing or otherwise
9 obtaining an animal with the intent that the animal be used
10 for bestiality.

11 A person who commits promoting bestiality is guilty of a
12 fourth degree felony.

13 C. Aggravated bestiality consists of a person:

14 (1) committing bestiality or promoting
15 bestiality in the presence of a minor; or

16 (2) committing bestiality or promoting
17 bestiality in which a minor is a participant.

18 A person who commits aggravated bestiality is guilty of
19 a third degree felony.

20 D. Emission by a human or animal is not required
21 to prove sexual contact with an animal.

22 E. If a person has been convicted of a crime
23 pursuant to this section, in addition to any other penalties,
24 the sentencing court shall include in the judgment and
25 sentence all of the following:

1 (1) that all animals under the direct care
2 and control of the convicted person be seized and turned over
3 to an agent of the New Mexico livestock board or to an animal
4 control agency operated by the state or a local government or
5 an animal shelter or other animal welfare organization
6 designated by the animal control agency. The receiver of
7 seized animals has the authority to determine the disposition
8 of seized animals, but shall not return the animals to the
9 convicted person; and

10 (2) that the convicted person shall not be
11 allowed to own, possess, reside with or exercise control over
12 any animal or engage in any occupation or profession, whether
13 paid or unpaid, at any place where animals are kept or cared
14 for, for a definite period not less than three years and not
15 more than fifteen years; provided that the time the person
16 spent in actual confinement serving a criminal sentence shall
17 be excluded from the calculation of the definite period.

18 F. If a person has been convicted of a crime
19 pursuant to this section, in addition to criminal penalties
20 and other penalties specified in Subsection E of this
21 section, the sentencing court may order:

22 (1) that the convicted person submit to a
23 psychological assessment and participate in appropriate
24 counseling; and

25 (2) that the convicted person pay

1 restitution for incurred costs of veterinary care, boarding,
2 food and other reasonable costs of care for an animal as a
3 result of the crime.

4 G. A person shall not be convicted of a crime
5 specified in this section if the person's sexual contact with
6 an animal was coerced or manipulated." _____

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