

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 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: 3 February 2026 *Check all that apply:*
Bill Number: HB 266 Original Correction
 Amendment Substitute

Sponsor: Cortez **Agency Name and Code Number:** New Mexico Sentencing Commission (354)
Short Title: Penalty for Sexual Exploitation of Children **Person Writing:** Douglas Carver
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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:

HB 66 amends Section 30-6A-3 NMSA 1978, regarding sexual exploitation of children, to increase certain penalties.

In subsection A, for the crime of unlawfully intentionally possessing any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act, the penalty is increased from a fourth to a third degree felony for sexual exploitation of children, which increases the sentence from 10 years to 11 years (both of these felonies have special sentences).

In subsection C, for the crime of intentionally distributing any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act, the penalty is increased from a third to a second degree felony for sexual exploitation of children, which increases the sentence from 11 years to 12 years (both of these felonies have special sentences).

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

It should be noted that this bill raises logrolling concerns, as the accrual rate of delinquent child or spousal support has nothing to do with the crime of sexual exploitation of children

The charts below break down these two crimes for FY24 by when the subject statutes were charged, when the subject statutes were the lead offenses and their dispositions, and sentencing when the most serious conviction was one of the subject statutes.

Subject Statutes Charges in Cases

Statute	Description	Typical Degree	Number of Cases
30-6A-3A(2)*	Child Pornography, Possession, Child Under 13*	4 th Felony	34
30-6A-3A(1)*	Child Pornography, Possession, Child 13-18*	4 th Felony	23
30-6A-3C*	Child Pornography, Distribution*	3 rd Felony	23

When Subject Statutes Are the Lead Offenses and Their Dispositions

Statute	Description	Number of Cases	Finding of Guilt for the Lead Offense	Conditional Discharge	Dismissal	Incompetency	Acquittal
30-6A-3A*	Child Pornography, Possession*	27	56%	15%	30%	0%	0%
30-6A-3D*	Child Pornography, Cause or Permit Child to Engage*	4	75%	0%	25%	0%	0%

Sentencing When Most Serious Conviction Are Subject Statutes

Statute/Description	Typical Degree	Number of Cases	Fully Incarcerated		Partial Suspension		Fully Suspended
			Jail/prison sentence (yrs)	Parole term (yrs)	Jail/prison sentence (yrs)	Probation sentence (yrs)	Probation sentence (yrs)
30-6A-3A, Child Pornography, Possession*	4 th F	22	10.0 (1)	Indet.	4.0 (13)	5.0	5.0 (8)
30-6A-3C: Child Pornography, Distribution*	3 rd F	6			2.5 (4)	5.0	3.0 (2)

Note: Numbers of cases are indicated in parentheses.

It is difficult to determine what the effect of passing HB 266 would be on the state's prison population. Despite the increase in penalties, given the nature of the special penalties for these crimes, with minimal sentence increases, and given the relatively few cases of this nature, impact on the prison population would likely be minimal. The average per day cost to incarcerate someone in the state's prison system is \$153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS