

LFC Requester:	Sanchez, Scott
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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: 2/6/26 *Check all that apply:*
Bill Number: SB 245 Original Correction
 Amendment Substitute

Sponsor: Sen. Crystal Brantley **Agency Name and Code** AOC 218
Short Title: Indecent Exposure to Child Out of Public View **Person Writing** Kathleen Sabo
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 245 creates the fourth degree felony crime of Indecent Exposure to a Child Out of Public View, consisting of a person 18 years of age or older knowingly and intentionally exposing the person's primary genital area to a child in a lewd and lascivious manner, when the person and child are in a nonpublic place.

SB 245 defines "child" to mean a person under 18 years of age, and "primary genital area".

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

1) Section 30-9-14.3 NMSA 1978, governing aggravated indecent exposure, consists of a person knowingly and intentionally exposing his primary genital area to public view in a lewd and lascivious manner, with the intent to threaten or intimidate another person, while committing specified acts or criminal offenses, including exposure to a child less than 18. The crime carries a fourth degree felony penalty, the same penalty in SB 245 for indecent exposure to a child out of public view.

2) New Mexico's criminal indecent exposure statute, Section 30-9-14 NMSA 1978, states that the crime consists of a person knowingly and intentionally exposing his primary genital area to public view. An annotation to the statute reads:

No exposure to "public view". — The defendant, who deliberately displayed his genital area before a minor child in the household wherein he was living, did not indecently expose himself to "public view" as proscribed by this section. *State v. Romero*, 1985-NMCA-096, 103 N.M. 532, 710 P.2d 99, cert. denied, 103 N.M. 525, 710 P.2d 92.

The new crime of Indecent Exposure to a Child Outside of Public View would apply to the situation described in *State v. Romero*, above.

3) [HB 451](#), introduced in 2025, created the misdemeanor crime of Indecent Exposure to a Child Out of Public View, and contained the following provision:

D. This section is retroactive and applies to all actions not currently pending based on indecent exposure to a child out of public view, regardless of the date of the exposure and regardless of whether any statute of limitations on such actions expired prior to the effective date of this 2025 act.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS