

LFC Requester:	Sanchez, Scott
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AGENCY BILL ANALYSIS – 2026 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: Feb 5 2026 *Check all that apply:*
Bill Number: SB 245 Original Correction
 Amendment Substitute

Sponsor: Crystal Brantley **Agency Name and Code:** 790 – Department of Public Safety
Short: INDECENT EXPOSURE TO CHILD OUT OF PUBLIC VIEW **Person Writing:** Ricardo Montoya
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	NFI	N/A	N/A

(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

Senate Bill 245 (SB-245) adds a section to the Criminal Code to create a new crime of indecent exposure to a child out of public view, and designates the crime as a fourth-degree felony.

FISCAL IMPLICATIONS

SB-245 creates a new fourth-degree felony offense, which will result in a modest increase in criminal history records processed and maintained by the New Mexico Department of Public Safety (DPS) Law Enforcement Records Bureau (LERB). Costs would be absorbed within existing resources and relate primarily to staff time for record entry, classification, and dissemination. The bill does not create new fees, eliminate revenue, or require system overhauls that would necessitate additional appropriations. SB-245 is expected to have minimal direct fiscal impact on DPS LERB.

SIGNIFICANT ISSUES

The addition of a new felony offense category must be accurately recorded and consistently applied across state and federal criminal history systems. Accurate classification is essential to ensure reliable background checks, criminal history reports, and law enforcement data integrity.

This bill does not require individuals convicted of this offense to register as sex offenders (NMSA 1978, §§ 29-11A-1 to -10) in New Mexico. However, New Mexico Statute 30-9-14.3 (Aggravated Indecent Exposure) mandates semiannual sex-offender registration for a period of ten years. Accordingly, at a minimum, a conviction for this offense should trigger semiannual registration for ten years.

The new crime in SB245 may also require changes to the Children's Code, NMSA 1978, Chapter 32A, if the person committing the offense is a minor.

PERFORMANCE IMPLICATIONS

SB-245 does not impose new timelines, mandates, or performance standards on DPS. However, LERB will experience a slight increase in workload related to processing arrests, dispositions, and background check requests involving the new offense. This impact is expected to be incremental and manageable within current performance levels.

ADMINISTRATIVE IMPLICATIONS

Administratively, DPS LERB will need to:

- Update internal offense reference materials
- Provide guidance to reporting law enforcement agencies on proper offense coding
- Ensure staff are aware of the new statute for record accuracy
- These changes are routine for new criminal statutes and do not require structural or staffing changes.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

Technical impacts are limited but include:

- Adding the offense to DPS criminal history databases
- Aligning state offense codes with applicable federal reporting systems (e.g., FBI/NIBRS)
- Ensuring consistency across DPS systems, courts, and local law enforcement reporting

Failure to implement these updates could result in inconsistent data or reporting errors.

OTHER SUBSTANTIVE ISSUES

SB-245 may intersect with other statutory requirements, depending on how the offense is ultimately charged and sentenced, such as enhanced sentencing provisions or sex-offense-related reporting obligations under existing law. DPS LERB's role is limited to record accuracy, but misclassification could have broader legal consequences for affected individuals.

ALTERNATIVES

Amend existing indecent exposure statute instead of creating a new offense.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will continue.

AMENDMENTS

None at this time.