

NEW MEXICO

Laws Pertaining to Sexting in the State of New Mexico

The State of New Mexico does not have a separate statute for sexting crimes. In general, under New Mexico law anyone –regardless of age – who creates, distributes or possesses an image of a minor engaged in a sexually explicit act may be prosecuted under the State’s child pornography laws and if convicted, may serve up to 9 years in jail and be required to register as a sex offender.

Legislative Summary

In general, the dissemination , receipt or production of an image containing a minor engaged in a sexual activity would constitute a felony under the New Mexico child pornography statutes. The law does not make exceptions for minors and as such two minors who send each other sexually explicit images of themselves could be prosecuted under the state’s child pornography laws and if convicted, receive jail time and will generally be required to register as a sex offender.

Law and Punishment

In general, under New Mexico law it is a felony to:

- Intentionally possess any image depicting any minor engaged in a sexual act. If convicted, could result in up to 18 months in jail.
- Intentionally distribute any image depicting any minor engaged in a sexual act. If convicted, could result in up to 3 years.
- Intentionally cause or permit a child under 18 years of age to engage in any sexually explicit act if that person knows, has reason to know or intends that the sexual act may be recorded. If convicted, could result in up to 3 years in jail, unless the child is under the age of 13, in which even the person could face up to 9 years in jail.
- Intentionally manufactured any image depicting any minor engaged in a sexual act. If convicted, could result in up to 9 years in jail. In addition , anyone convicted under the child is pornography statutes will generally need to register as a sex offender.

SOBERING REALITY

Separate felony convictions for possession, distribution or creation of child pornography. Up to 9 years in jail. registration as a sex offender.