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## Select Crimes Issue Paper: Sex Offenses Against Children (FY 2024)

### Introduction

The New Mexico Sentencing Commission's Select Crimes Issue Papers provide thorough examinations of data concerning criminal offenses that are regularly discussed by policymakers in New Mexico. Each paper in the series describes the frequency of charges and outcomes for a selected category of offenses in a given fiscal year. The Sentencing Commission publishes the Select Crimes Issue Papers pursuant to its statutory mandate (see Section 9-3-10(D) NMSA 1978).

This Select Crimes Issue Paper concerns sex offenses against children. A short description of the Dataset is followed by a Description of the tables. The Tables show the frequency, disposition, sentencing, and length of stay for child sex crimes. A Methodology section at the end of the Issue Paper describes in detail how the information in each Table was compiled.

All papers in the series are published on the New Mexico Sentencing Commission website at <https://nmsc.unm.edu/reports/select-crimes-issues-papers.html>. They will be updated periodically. Please feel free to reach out to the Sentencing Commission with any questions.

### Dataset

This Select Crimes Issue Paper concerns sex offenses against children. The offenses included are those in Chapter 30, Article 9 NMSA 1978 (Sexual Offenses) as well as offenses in Chapter 29, Article 11A (Sex Offender Registration and Notification), Chapter 30, Article 9A (Animal Sexual Abuse), Chapter 30, Article 37A (Unauthorized Distribution of Sensitive Images) and Section 30-10-3 NMSA 1978 (Incest). We also include offenses in Sections 30-4-1 (Kidnapping) and 30-4-3 NMSA 1978 (False Imprisonment) when intent to inflict a sexual offense has explicitly been indicated in court records.<sup>1</sup> Cases that include no indication of any crime against a child are instead included in a separate Issue Paper, Sex Offenses Against Adults (FY 2024); no cases overlap between the two reports. Many, but not all, of these offenses require convicted persons to register with the state's Sex Offender Registry (see Section 29-11A-3I NMSA 1978).

We include the 453 cases that included a sex offense against children as any charge and were adjudicated between July 1, 2023 and June 30, 2024. Information about the offenses comes from data collected by the Administrative Office of the Courts and the Corrections Department. The Methodology section describes how the information in each table was compiled.

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<sup>1</sup>When a charge of kidnapping or false imprisonment occurs in any case with a sex offense, the charge is assumed to have the intent to commit a sex offense unless court records explicitly indicate no such intent. When a defendant is convicted of kidnapping or false imprisonment with the intent to commit a sex offense, he or she is required to register with the state's Sex Offender Registry. When a charge of kidnapping or false imprisonment neither explicitly was committed with the intent to commit a sex crime, nor occurred in conjunction with another sex offense, the case is omitted from this dataset.

## Description of Tables

In Table 1, we describe the offenses by statute, including the typical degree assigned in statute (not including initiatory offenses, which may drop the degree) as well as the number of cases in which an offense of the statute was charged. We also indicate all offenses that require convicted persons to register with the state’s Sex Offender Registry.

Tables 2 and 3 examine dispositions for the subset of cases (445, or 98%) in which a sex offense against children is the lead offense—that is, the charge with the highest degree. We define a finding of guilt as one in which either a conviction or a deferral has taken place. Conditional discharge is not a finding of guilt, but is included in its own column since a conditional discharge can result in a probation term. Acquittal means the defendant was found not guilty, while incompetency and dismissal suggest the court did not make a determination of guilt.<sup>2</sup> Tables 2 and 3 organize the same information differently: Table 2 provides dispositions by statute, while Table 3 provides the same information by degree.

In Tables 4 and 5, we examine dispositions of the most serious child sex offense charged. Unlike Tables 2 and 3, these analyses include all 453 cases, including those with lead offenses that are not child sex offenses. One might thus expect lower rates of conviction here compared to Tables 2 and 3, as offenses other than lead offenses are often dismissed via plea bargain.<sup>3</sup> Tables 4 and 5 organize the same information differently. Table 4 provides dispositions by statute, while Table 5 provides the same information by degree.

Tables 6 and 7 examine sentencing for the subset of cases (207, or 46%) in which a child sex offense is the most serious (meaning the highest degree) conviction, including all cases that could result in incarceration (prison or jail) or probation: convictions, deferrals, and conditional discharges. We calculate the median incarceration, probation, and parole sentence. Table 6 reports this information by statute, while Table 7 provides the same information by degree.<sup>4</sup> These tables do not incorporate expected earned meritorious deductions (good time).

Table 8 reports the expected length of stay (LOS) for people who were incarcerated in a New Mexico prison for a child sex offense on June 30, 2024. This table incorporates expected earned meritorious deductions. The table does not include people incarcerated in a detention center or youth detention center or those known or assumed to be incarcerated for a probation or parole violation.

Please see the Methodology section at the end of this report for more details.

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<sup>2</sup> Different charges within cases may have different dispositions. Tables 2 and 3 consider only the disposition of the lead offense. In addition, dispositions are not necessarily indicative of sentencing. For example, a conviction may result in incarceration, probation, or a program such as a treatment court. A case may be dismissed for many reasons, including the possibility that the court assigned the defendant to a prosecution diversion program.

<sup>3</sup> In this case, the tables are almost the same since the lead offense is a child sex offense in nearly all cases.

<sup>4</sup> Electronic sentencing information is either unavailable or difficult to interpret for 29, or 14%, of the 207 cases. In addition, sentencing information is complex and more prone to data entry error than other information included in this report.

## Tables

Table 1: Child Sex Offense Charges in Cases<sup>5</sup>

Statute	Description	Typical Degree	Number of Cases	Percent of Overall Cases
30-9-13B(1)*	Criminal Sexual Contact of a Minor (CSCM), Child Under 13, Unclothed*	2 <sup>nd</sup> Felony	109	24%
30-9-13C(1)*	CSCM, Child Under 13, Clothed*	3 <sup>rd</sup> Felony	101	22%
30-9-13D(1)*	CSCM, Child 13-18, Clothed, With Force*	4 <sup>th</sup> Felony	66	15%
30-9-13C(2)*	CSCM, Child 13-18, Clothed, Serious Circumstance*	3 <sup>rd</sup> Felony	20	4%
30-9-13B(2)*	CSCM, Child 13-18, Unclothed, Serious Circumstance*	2 <sup>nd</sup> Felony	17	4%
30-9-11D(1)*	Criminal Sexual Penetration (CSP), Child Under 13*	1 <sup>st</sup> Felony	93	21%
30-9-11E(1)*	CSP, Child 13-18, With Force*	2 <sup>nd</sup> Felony	66	15%
30-9-11E(3-6)*	CSP, Serious Circumstance*	2 <sup>nd</sup> Felony	11	2%
30-9-11C*	CSP, Child Under 13, Intent to Kill or with Depraved Mind*	1 <sup>st</sup> Felony	4	1%
30-9-11F*	CSP, Unspecified*	3 <sup>rd</sup> Felony	2	<1%
30-9-11D(2)*	CSP, Great Bodily Harm*	1 <sup>st</sup> Felony	1	<1%
30-9-11G(1)*	CSP, Child 13-18, Without Force*	4 <sup>th</sup> Felony	33	7%
30-9-11G(2)*	CSP, Child 13-18, By School Employee*	4 <sup>th</sup> Felony	1	<1%
30-6A-3A(2)*	Child Pornography, Possession, Child Under 13*	4 <sup>th</sup> Felony	34	8%
30-6A-3E*	Child Pornography, Manufacture*	2 <sup>nd</sup> Felony	27	6%
30-6A-3A(1)*	Child Pornography, Possession, Child 13-18*	4 <sup>th</sup> Felony	23	5%
30-6A-3C*	Child Pornography, Distribution*	3 <sup>rd</sup> Felony	23	5%
30-6A-3D(2)*	Child Pornography, Cause or Permit to Engage, Child Under 13*	2 <sup>nd</sup> Felony	5	1%
30-6A-3D(1)*	Child Pornography, Cause, Child 13-18*	3 <sup>rd</sup> Felony	4	1%
30-6A-3F*	Child Pornography, Fake Manufacture of Real Child*	4 <sup>th</sup> Felony	1	<1%
30-9-1*	Enticement of a Child*	Misdemeanor	26	6%
30-37-3.2B(1)*	Child Solicitation by Electronic Communications Device, Child 13-16*	4 <sup>th</sup> Felony	17	4%
30-37-3.2C(1)*	Child Solicitation and Meeting, Child 13-16*	3 <sup>rd</sup> Felony	10	2%
30-37-3.2B(2)*	Child Solicitation, Child Under 13*	3 <sup>rd</sup> Felony	8	2%
30-37-3.2C(2)*	Child Solicitation and Meeting, Child Under 13*	2 <sup>nd</sup> Felony	3	1%
30-9-14.3A(1)*	Aggravated Indecent Exposure, Child Under 18*	4 <sup>th</sup> Felony	15	3%
30-9-14.3A*	Aggravated Indecent Exposure*	4 <sup>th</sup> Felony	1	<1%
30-4-1*	Kidnapping, Intent to Commit Sexual Offense*	1 <sup>st</sup> Felony	13	3%
30-4-3*	False Imprisonment, Intent to Commit Sexual Offense*	4 <sup>th</sup> Felony	12	3%
30-9-20B(2)	Voyeurism, Child Under 18	4 <sup>th</sup> Felony	11	2%
30-9-20B(1)	Voyeurism, Unspecified	Misdemeanor	3	1%

Table 1 (continued)<sup>5</sup>

<sup>5</sup> Because cases can include charges for more than one type of child sex violation, the sum of cases in Table 1 exceeds 453, and the sum of percentages exceeds 100%.

Statute	Description	Typical Degree	Number of Cases	Percent of Overall Cases
30-37-3.3	Criminal Sexual Communication, Child Under 16	4 <sup>th</sup> Felony	8	2%
30-9-14	Indecent Exposure	Misdemeanor	5	1%
30-6A-4*	Sexual Exploitation of Children, Prostitution*	1 <sup>st</sup> -2 <sup>nd</sup> Felony	4	1%
30-10-3*	Incest*	3 <sup>rd</sup> Felony	4	1%
30-9-12D	Criminal Sexual Contact, Force or Coercion	Misdemeanor	3	1%
30-37A-1	Distribution of Sensitive Images	Misdemeanor	3	1%
30-37-2 or 3	Exhibit Motion Picture to Minor	Misdemeanor	2	<1%
29-11A-4	Sex Offender Registration Violation	4 <sup>th</sup> Felony	1	<1%
30-9A-3B	Bestiality	4 <sup>th</sup> Felony	1	<1%
30-37-10	Child Pornography, Seller Requires Receipt thereof	Misdemeanor	1	<1%

*Note:* Asterisked charges are those for which convictions require registration with the New Mexico Sex Offender Registry.

Table 2: Child Sex-Related Lead Offenses and Their Dispositions by Statute

Statute	Description	Number of Cases	Finding of Guilt for the Lead Offense	Conditional Discharge	Dismissal	Incompetency	Acquittal
30-9-11C, D*	Criminal Sexual Penetration (CSP) in the 1 <sup>st</sup> Degree*	93	29%	3%	61%	0%	7%
30-9-13B*	Criminal Sexual Contact of a Minor (CSCM) in the 2 <sup>nd</sup> Degree*	69	26%	1%	70%	1%	1%
30-9-13C*	CSCM in the 3 <sup>rd</sup> Degree*	62	36%	7%	53%	2%	3%
30-9-11E*	CSP in the 2 <sup>nd</sup> Degree*	51	29%	2%	65%	0%	4%
30-6A-3A*	Child Pornography, Possession*	27	56%	15%	30%	0%	0%
30-9-13D*	CSCM in the 4 <sup>th</sup> Degree*	23	35%	4%	56%	0%	4%
30-9-11G*	CSP in the 4 <sup>th</sup> Degree*	21	29%	19%	52%	0%	0%
30-6A-3E, F	Child Pornography, Manufacturing	18	50%	6%	44%	0%	0%
30-6A-3C*	Child Pornography, Distribution*	15	27%	7%	67%	0%	0%
30-4-1*	Kidnapping, Intent to Commit Sexual Offense*	12	8%	0%	75%	0%	17%
30-37-3.2B*; 30-37-3.3	Child Solicitation*, Criminal Sexual Communications with Child	12	33%	25%	33%	0%	8%
30-37-3.2C*	Child Solicitation and Meeting*	10	20%	10%	70%	0%	0%
30-9-14; 30-9-14.3*	Indecent Exposure, Aggravated Indecent Exposure*	10	10%	0%	50%	40%	0%
30-9-20	Voyeurism	7	14%	0%	57%	29%	0%
30-6A-3D*	Child Pornography, Cause or Permit Child to Engage*	4	75%	0%	25%	0%	0%

Table 2 (continued)

30-6A-4*	Sexual Exploitation of Children, Prostitution*	3	0%	0%	100%	0%	0%
30-9-11F*	CSP in the 3 <sup>rd</sup> Degree*	2	50%	0%	50%	0%	0%
	Other Child Sex Offenses	6	50%	0%	50%	0%	0%
	<b>Total cases</b>	<b>445</b>	<b>32%</b>	<b>5%</b>	<b>58%</b>	<b>2%</b>	<b>3%</b>

*Note:* Asterisked charges are those for which convictions require registration with the New Mexico Sex Offender Registry.

Table 3: Child Sex-Related Lead Offenses and Their Dispositions by Degree

Degree	Number of Cases	Finding of Guilt for the Lead Offense	Conditional Discharge	Dismissal	Incompetency	Acquittal
1 <sup>st</sup> Felony	102	26%	3%	63%	0%	8%
2 <sup>nd</sup> Felony	143	31%	2%	64%	1%	2%
3 <sup>rd</sup> Felony	94	33%	6%	56%	1%	3%
4 <sup>th</sup> Felony	102	35%	12%	46%	6%	1%
Misdemeanor	4	50%	0%	50%	0%	0%
<b>Total cases</b>	<b>445</b>	<b>32%</b>	<b>5%</b>	<b>58%</b>	<b>2%</b>	<b>3%</b>

Table 4: Most Serious Child Sex Offenses and Their Disposition by Statute

Statute	Description	Number of Cases	Finding of Guilt for the Most Serious Child sex Offense	Conditional Discharge	Dismissal	Incompetency	Acquittal
30-9-11C, D*	Criminal Sexual Penetration (CSP) in the 1 <sup>st</sup> Degree*	93	29%	3%	61%	0%	7%
30-9-13B*	Criminal Sexual Contact of a Minor (CSCM) in the 2 <sup>nd</sup> Degree*	69	26%	1%	70%	1%	1%
30-9-13C*	CSCM in the 3 <sup>rd</sup> Degree*	62	36%	7%	53%	2%	3%
30-9-11E*	CSP in the 2 <sup>nd</sup> Degree*	51	29%	2%	65%	0%	4%
30-6A-3A*	Child Pornography, Possession*	29	59%	14%	28%	0%	0%
30-9-13D*	CSCM in the 4 <sup>th</sup> Degree*	25	32%	4%	60%	0%	4%
30-9-11G*	CSP in the 4 <sup>th</sup> Degree*	22	32%	18%	50%	0%	0%
30-6A-3E, F*	Child Pornography, Manufacturing*	18	50%	6%	44%	0%	0%
30-6A-3C*	Child Pornography, Distribution*	15	27%	7%	67%	0%	0%
30-37-3.2B*, 30-37-3.3	Child Solicitation*, Criminal Sexual Communications with Child	13	38%	23%	31%	0%	8%
30-4-1*	Kidnapping, Intent to Commit Sexual Offense*	12	8%	0%	75%	0%	17%

Table 4 (continued)

Statute	Description	Number of Cases	Finding of Guilt for the Most Serious Child Sex Offense	Conditional Discharge	Dismissal	Incompetency	Acquittal
30-37-3.2C*	Child Solicitation and Meeting*	10	20%	10%	70%	0%	0%
30-9-14; 30-9-14.3*	Indecent Exposure, Aggravated Indecent Exposure*	11	9%	0%	55%	36%	0%
30-9-20	Voyeurism	7	14%	0%	57%	29%	0%
30-6A-3D*	Child Pornography, Cause or Permit Child to Engage*	4	75%	0%	25%	0%	0%
30-6A-4*	Sexual Exploitation of Children, Prostitution*	3	0%	0%	100%	0%	0%
30-9-11F*	CSP in the 3 <sup>rd</sup> Degree*	2	50%	0%	50%	0%	0%
	Other Child Sex Offenses	7	43%	0%	57%	0%	0%
	<b>Total cases</b>	<b>453</b>	<b>32%</b>	<b>5%</b>	<b>58%</b>	<b>2%</b>	<b>3%</b>

*Note:* Asterisked charges are those for which convictions require registration with the New Mexico Sex Offender Registry.

Table 5: Most Serious Child Sex Offenses and Their Disposition by Degree

Degree	Number of Cases	Finding of Guilt for the Most Serious Child Sex Offense	Conditional Discharge	Dismissal	Incompetency	Acquittal
1 <sup>st</sup> Felony	102	26%	3%	63%	0%	8%
2 <sup>nd</sup> Felony	143	31%	2%	64%	1%	2%
3 <sup>rd</sup> Felony	94	33%	6%	56%	1%	3%
4 <sup>th</sup> Felony	109	37%	11%	46%	5%	1%
Misdemeanor	5	40%	0%	60%	0%	0%
<b>Total cases</b>	<b>453</b>	<b>32%</b>	<b>5%</b>	<b>58%</b>	<b>2%</b>	<b>3%</b>

Table 6: Sentencing When Most Serious Conviction Is a Child Sex Offense by Statute<sup>6</sup>

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)
30-9-13C, CSCM*	3 <sup>rd</sup> F	28	6.0 (2)	Indet.	4.0 (3)	5.0 (+ Indet. Parole)	5.0 (23)
30-9-11C, D, CSP*	1 <sup>st</sup> F	25	33.0 (10)	Indet.	18.0 (9)	5.0 (+ Indet. Parole)	1.0 <sup>7</sup> (8)
30-6A-3A, Child Pornography, Possession*	4 <sup>th</sup> F	22	10.0 (1)	Indet.	4.0 (13)	5.0	5.0 (8)
30-9-13B, CSCM*	2 <sup>nd</sup> F	19	22.5 (2)	Indet.	7.0 (15)	5.0 (+ Indet. Parole)	3.0 (2)
30-37-3.2B; 30- 37-3.3: Child Solicitation.*	3 <sup>rd</sup> - 4 <sup>th</sup> F	12	2.2 (2)	50% Indet. 50% 0.0	4.8 (4)	3.6	1.5 (6)
30-9-11E: CSP*	2 <sup>nd</sup> F	11	20.0 (1)	Indet.	8.0 (10)	5.0 (+ Indet. Parole)	12.5 (2)
30-9-13D: CSCM*	4 <sup>th</sup> F	11			2.2 (2)	12.5 (+ Indet. Parole)	2.0 (9)
30-9-11G: CSP*	4 <sup>th</sup> F	9			2.0 (1)	2.0	5.0 (8)
30-4-3: False Imprisonment*	4 <sup>th</sup> F	7	1.5 (1)	0.0	0.1 (1)	5.0	1.5 (5)
30-6A-3E, F: Manufacture*	2 <sup>nd</sup> - 4 <sup>th</sup> F	10	5.5 (2)	1.5	8.0 (6)	5.0 (+ Indet. Parole)	5.0 (2)
30-6A-3C: Child Pornography, Distribution*	3 <sup>rd</sup> F	6			2.5 (4)	5.0	3.0 (2)
30-6A-3D, Child Pornography, Cause*	2 <sup>nd</sup> F	3			12.0 (3.0)	5.0 (+ Indet. Parole)	
30-37-3.2C, Child Sol. & Meet*	2 <sup>nd</sup> - 3 <sup>rd</sup> F	3			8.5 (1)	1.0	3.0 (2)
30-9-1: Child Enticement*	M	2					1.0 (2)
30-9-20: Voyeurism	4 <sup>th</sup> F	2	0.7 (1)	1.0			5.0 (1)
30-4-1: Kidnapping*	1 <sup>st</sup> F	1	25.0 (1)	Indet.			

Table 6 (continued)<sup>6</sup>

Statute/	Typical	Number	Fully	Partial Suspension	Fully
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<sup>6</sup> Numbers of cases are indicated in parentheses. Charges were not necessarily assigned the typical degree, especially for initiatory crimes.

<sup>7</sup> All eight defendants receiving this sentence were juveniles.

Description	Degree	of Cases	Incarcerated				Suspended
			Jail/prison sentence (yrs)	Parole term (yrs)	Jail/prison sentence (yrs)	Probation sentence (yrs)	Probation sentence (yrs)
30-9-11F, CSP*	3 <sup>rd</sup> F	1			3.0 (1)	5.0	
30-9-14.3: Agg. Indecent Exposure*	4 <sup>th</sup> F	1					2.5 (1)
30-37A-1: Distribution Sensitive Images	M	1					1.0 (1)
<b>Total cases</b>		<b>178</b>	<b>18.0 (23)</b>	<b>Indet.</b>	<b>5.0 (73)</b>	<b>5.0</b>	<b>3.0 (82)</b>

*Notes:* Asterisked charges are those for which convictions require registration with the New Mexico Sex Offender Registry. Parole sentences may be indeterminate (indet.) for sex offenses. Probation sentences of 5.0 years can be extended for up to 20 years for sex offenses.

Table 7: Sentencing When Most Serious Conviction is a Child Sex Offense by Degree<sup>8</sup>

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)
1 <sup>st</sup> Felony	27	33.0 (11)	Indet.	18.0 (8)	5.0 (+ Indet. Parole)	1.0 <sup>9</sup> (8)
2 <sup>nd</sup> Felony	45	15.0 (5)	Indet.	8.5 (34)	5.0 (+ Indet. Parole)	5.0 (6)
3 <sup>rd</sup> Felony	42	6.0 (3)	Indet.	3.0 (11)	5.0	5.0 (28)
4 <sup>th</sup> Felony	59	1.5 (4)	.5	4.0 (19)	5.0	2.2 (36)
Misdemeanor	5			2.0 (1)	2.0	1.0 (4)
<b>Total cases</b>	<b>178</b>	<b>18.0 (23)</b>	<b>Indet.</b>	<b>5.0 (73)</b>	<b>5.0</b>	<b>3.0 (82)</b>

*Notes:* Parole sentences may be indeterminate (indet.) for sex offenses. Probation sentences of 5.0 years can be extended for up to 20 years for sex offenses.

<sup>8</sup> Numbers of cases are indicated in parentheses.

<sup>9</sup> All eight defendants receiving this sentence were juveniles.

Table 8: Expected Lengths of Stay for People Incarcerated in NM Prisons on Child Sex Offenses June 30, 2024

Statute	Description	Number of Cases	Mean Expected LOS (yrs)	Median Expected LOS (yrs)
30-9-11D(1)*	Criminal Sexual Penetration (CSP), Child Under 13*	290	41.3	20.1
30-9-13B(1)*	Criminal Sexual Contact, Child Under 13 (Unclothed)*	125	13.4	10.5
30-9-11E(1)*	CSP, Child 13-18*	77	22.8	12.3
30-9-13C*	Criminal Sexual Contact, Child Under 13 (Clothed) or 13-18 (Unclothed)*	58	13.1	7.4
30-6A-3E, D(2)*	Sexual Exploitation of Children (Pornography), Manufacturing or Cause Child Under 13 (typically 2 <sup>nd</sup> F)*	31	7.9	5.5
30-6A-3C, D(1)*	Sexual Exploitation of Children (Pornography), Distribution or Cause Child 13-18 (typically 3 <sup>rd</sup> F)*	25	3.7	2.9
30-9-13B(2)*	Criminal Sexual Contact, Child 13-18 (Unclothed), Serious Circumstance*	18	8.6	7.9
30-9-11G(1)*	CSP, Child 13-18 without force*	5	2.8	1.7
30-9-13D*	Criminal Sexual Contact, Child 13-18 (Clothed)*	3	18.6	10.8
30-37-3.2*	Child Solicitation by Electronic Communications Device*	3	6.0	6.0
30-6A-4*	Sexual Exploitation of Children (Prostitution)*	3	14.6	13.7
30-9-14.3*	Aggravated Indecent Exposure, Child Under 18*	1	15.0	15.0
<b>Total cases</b>		<b>638</b>	<b>26.3</b>	<b>14.3</b>
Notes Asterisked charges are those for which convictions require registration with the New Mexico Sex Offender Registry.				

## Methodology

This report covers offenses described in Chapter 30, Article 9 NMSA 1978 (Sexual Offenses) as well as offenses in Chapter 29, Article 11A (Sex Offender Registration and Notification), Chapter 30, Article 9A (Animal Sexual Abuse), Chapter 30, Article 37A (Unauthorized Distribution of Sensitive Images) and Section 30-10-3 NMSA 1978 (Incest). We also include offenses in Sections 30-4-1 (Kidnapping) and 30-4-3 NMSA 1978 (False Imprisonment) when intent to inflict a sexual offense has explicitly been indicated in court records.<sup>10</sup> Cases that include no indication of any crime against a child are instead included in a separate Issue Paper, Sex Offenses Against Adults (FY 2024); no cases overlap between the two reports. This report includes the 453 cases that were adjudicated between July 1, 2023 and June 30, 2024. We drew cases that included a child sex offense as any charge, but the case was eliminated if: (1) all charges of child sex offenses were dropped before the case was adjudicated, (2) the case has not yet been adjudicated, or (3) the case was bound over, transferred, or consolidated to a different case. Among all

<sup>10</sup>When a charge of kidnapping or false imprisonment occurs in any case with a sex offense, the charge is assumed to have the intent to commit a sex offense unless court records explicitly indicate no such intent. When a defendant is convicted of kidnapping or false imprisonment with the intent to commit a sex offense, he or she is required to register with the state's Sex Offender Registry. When a charge of kidnapping or false imprisonment neither explicitly was committed with the intent to commit a sex crime, nor occurred in conjunction with another sex offense, the case is omitted from this dataset.

2,257 charges in the 453 cases, 1,856, or 82% are sex offenses. Other common charges include offenses of contributing to the delinquency of a minor and abuse of a child.

Sometimes dispositions are amended; in this report we use the most recent disposition for each charge. However, we do not include changes in dispositions that may have occurred due to appeals processes.

We determine the Lead Offense for Tables 2 and 3 primarily based on the charges with the highest degree. If a child sex offense charge is among those with the highest degree, we select it as the lead offense. If there are multiple such charges, we select the charge with a conviction, if any.

We determine the Most Serious Child sex offense for Tables 4 and 5 based on the Child sex charge with the highest degree. If there are multiple such charges, we select the charge with a conviction, if any.

The determination of sentencing in Tables 6 and 7 requires some explanation. Electronic sentencing information usually is recorded charge by charge, with an indication of whether the sentence is concurrent or consecutive to other convictions in the case. We determine the ‘charge term’—the intended length of incarceration for the charge—by adding any enhancement (e.g., habitual offender, firearm) to the sentence and subtracting any suspension. For total incarceration in the case, we use the longest charge term when all charge terms are to be served concurrently; we sum charge terms when they are each to be served consecutively. The incarceration sentences reported here do not incorporate the calculations of expected earned meritorious deductions (good time). Therefore, the lengths of incarceration for those incarcerated in prison (not jail) may be shorter than indicated here, as individuals incarcerated in prison can earn meritorious deductions.

Probation sentences are derived from a different dataset than sentencing. There may be one entry for the entire case, or there may be separate entries for multiple convictions. We sum probation sentences. If the sum exceeds five years, we assume the defendant is a sex offender for whom the usual statutory maximum of five years of probation does not apply.

Parole sentences are derived from yet another dataset unrelated to sentencing or probation. While there is usually just one entry for a case, occasionally there are multiple entries. We assume the longest parole term, including those indicated as indeterminate. We do not include any parole term for partially suspended sentences because, if one exists, it is served concurrently to the probation term, unless parole is indeterminate. We also do not include the parole term for fully suspended sentences, as they only are served when a defendant completes probation incarcerated after probation has been revoked.

In Tables 6 and 7, we omit cases when electronic data is confusing or questionable, unless checked manually using New Mexico Secure Court Case Access. Omitted cases include those in which there are a mix of concurrent and consecutive charge terms, parole terms are not accompanied by incarceration terms, or no sentencing information is available electronically.

Finally, for Table 8 we use admission dates and expected release dates to determine the mean and median lengths of stay (prison sentence) for individuals incarcerated on June 30, 2024 for child sex offenses in New Mexico prisons. This does not include time served prior to sentencing. Although we attempt to select sex crimes against children, our data may omit some cases if the lead offense (the only offense listed in prison records) does not explicitly indicate a sex crime against a child. Because we cannot determine whether there was intent to commit a sex offense, we do not include cases with kidnapping or false imprisonment as the lead offense unless the intent to inflict a sexual offense has explicitly been indicated in prison records. The incarceration sentences reported here include expected earned meritorious deductions.