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Closing New Mexico's Child Pornography Loophole: Representatives Sarah Maestas Barnes & Javier Martinez File Attorney General-backed Legislation

Santa Fe, NM – **Representative Sarah Maestas Barnes (R – Bernalillo)** and **Representative Javier Martinez (D – Bernalillo)** today filed legislation supported by **Attorney General Balderas** to close New Mexico's child pornography loophole. In New Mexico, defendants who possess multiple images of children being raped, objectified, and exploited in multiple forms of media and online, are currently only subject to prosecution of *one count* of child exploitation by possession, irrespective of the number of images of child victims they possess.

HB 440 adds language to current statute clarifying that each depiction of a child under eighteen years of age engaged in a prohibited sexual act contained on an item of visual or print medium shall be considered a distinct act and shall be charged as an individual criminal offense. HB 440 does not mandate prosecution of every image, but rather allows prosecutors to use their discretion in charging based on the nature of the images, sexual abuse depicted, and volume of the collection, thus dis-incentivizing the collection and furtherance of child exploitation.

“Nothing is more important than protecting New Mexico children from child pornographers and sexual predators, and this legislation seeks to close a legal loophole so law enforcement can do just that,” said **Representative Sarah Maestas Barnes**. “It’s common sense, and I believe prosecutors should have the discretion to charge a child pornographer with more than just one count when large amounts of images are involved.”

“We must give law enforcement and prosecutors the tools they need to stomp out the production and distribution of child pornography in New Mexico,” **Representative Javier Martinez** said. “I co-sponsored this legislation because child pornographers and distributors need to serve serious time for their offenses, and to prevent future exploitation of children in our state.”

“This bipartisan legislation is key to shuttering the black-market child pornography industry in New Mexico that destroys children and families’ lives,” said **Attorney General Hector Balderas**. “We only get one shot at protecting our children, so I am grateful for the leadership of Representative Sarah Maestas Barnes and Representative Javier Martinez for sponsoring this critical legislation to protect New Mexico children.”

Governor Susana Martinez has also been a strong supporter of this legislative solution in the wake of the Supreme Court’s ruling last spring.

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