

# SCORECARD

REPORT CARD NEW MEXICO | 2020

Final Score  
**80%**Final Grade  
**B+**

19 6 9 5 2 4

19 10 10 7 4 6

## SCORECARD TOPLINES

Does not account for a difference in age between the individuals engaging in sexual contact. The law does not require consent to be freely given or given by affirmative consent. Accounts for a person's intoxication impacting their ability to consent but not in all circumstances. Does not have a penalty enhancement for crimes motivated by political affiliation. Does not have a recurring inventory of untested rape kits. A survivor's right to notice does not exist. Has not provided funding for rape kit handling reform. An exemption for spousal rape does exist under laws criminalizing statutory rape. An exemption for spousal rape or unwanted sexual contact does exist under laws criminalizing sexual contact between people with a supervisory relationship. The statute of limitations has not been eliminated for all felony sex crimes.

## Child Marriage

The age of consent for marriage is generally 18 years of age. No deviation to allow for marriage at a younger age is permitted. No lower age limit is permitted because a minor is pregnant, has been married previously, or if the individuals are active members of the armed forces. No gender difference exists for the lowest age limit permitted.



## Consent to Sexual Contact

The lowest age of consent for sexual contact is 16 years of age. The law does not account for a difference in age between the individuals engaging in sexual contact. The law does not require consent to be freely given or given by affirmative consent. The law accounts for a person's developmental disability or mental capacity, consciousness, and relationship between a victim and perpetrator impacting their ability to consent. The law accounts for a person's intoxication impacting their ability to consent but not in all circumstances.



## Discrimination & Hate Crimes

The state does have a hate crimes law and requires data collection on hate crimes. The state does criminalize interference with religious worship. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by race, religion, or ethnicity. The state does have a



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penalty enhancement for crimes motivated by sexual orientation, gender, disability, and age. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by gender identity. The state does not have a penalty enhancement for crimes motivated by political affiliation.

## Rape Kit Processing



The state has conducted a one-time inventory of untested rape kits. Testing of the backlog of untested rape kits has occurred through nonlegislative action. Mandatory testing of new rape kits is required to occur. A rape kit tracking system has not been implemented. A survivor's right to notice does not exist. The state has not provided funding for rape kit handling reform.

## Spousal Rape



The state does not treat rape of a spouse differently than rape of an individual who is not a spouse of the perpetrator. The state does allow for conviction of a spouse for raping their partner if the partner is unconscious, drugged, or otherwise incapacitated. An exemption for spousal rape does exist under laws criminalizing statutory rape. An exemption for spousal rape or unwanted sexual contact does exist under laws criminalizing sexual contact between people with a supervisory relationship.

## Statute of Limitations for Sexual Crimes



The state does not have a reduced statute of limitations for criminal prosecution if a victim chooses not to report or delays reporting the crime. The statute of limitations for the most serious felony sex crime is 21 years or more. The statute of limitations has not been eliminated for all felony sex crimes. Exceptions to the statute of limitations do exist to allow an exception for DNA evidence. If there is DNA evidence but no suspect identification, the statute of limitations does not run until suspect is identified. This only applies to 2nd, 3rd, and 4th degree criminal sexual penetration.