**14-631. Sexual exploitation of children; possession.**

 For you to find the defendant guilty of sexual exploitation of children (possession) [as charged in Count \_\_\_\_]1, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

 1. The defendant intentionally possessed a visual or print medium2;

 2. The medium depicts a prohibited sexual act2 [or simulation of such an act]3;

 3. The defendant knew or had reason to know that medium depicts prohibited sexual act [or simulation of such act]3;

 4. The defendant knew or had reason to know that one or more of the participants in that act is a child under eighteen years of age;

 [5. The depictions are obscene;4]3; and

 6. This happened in New Mexico on or about \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

USE NOTES

 1. Insert the count number if more than one count is charged.

 2. If in issue, UJI 14-130 NMRA, “ ‘Possession’ defined,” definitions of “visual or print medium” and/or “prohibited sex act” shall be given. *See* NMSA 1978, § 30-6A-2.

 3. Instruct with bracketed language only if in issue.

 4. Use bracketed material if obscenity is in issue. If this element is instructed a definition of “obscene” shall also be given. *See* NMSA 1978, § 30-6A-2.

 5. If the consensual possession defense defined in NMSA 1978, Section 30-6A-3(B) is in issue, UJI 14-634 NMRA must be given.

 6. To invoke the sentencing enhancement defined in Section 30-6A-3(A), special interrogatory UJI 14-635 NMRA must be given.

[Adopted by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or after December 31, 2019.]