

14-632. Sexual exploitation of children; distribution.

For you to find the defendant guilty of sexual exploitation of children (distribution) [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 distributed a visual or print medium²;
2. The medium depicted 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 obscene⁴;]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, definitions of Avisual or print medium@ and/or Aprohibited sex act@ shall be given. See NMSA 1978, ' 30-6A-2.
3. Instruct with bracketed language only if in issue.
4. If this element is instructed, a definition of Aobscene@ shall be given. See NMSA 1978, ' 30-6A-2.

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