**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 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. If this element is instructed, a definition of obscene 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.]