**14-634. Consensual possession defense.**1

In evaluating the elements of sexual exploitation of children (possession) [as charged in Count \_\_\_\_]2, it is a defense to the crime that a teenager possessed depictions of another teenager, consensually created and consensually possessed. If you find the following elements satisfied, you must find the defendant not guilty:

1. The defendant was under the age of eighteen (18) when the defendant possessed the depiction(s);

2. The depicted child was aged fourteen (14) to eighteen (18) at the time the image was captured;

3. The depicted child knowingly and voluntarily consented to the images creation; and

4. The depicted child knowingly and voluntarily consented to the defendants possession of the image.

USE NOTES

1. For use with UJI 14‑631 NMRA when the consensual possession defense defined in NMSA 1978, Section 30‑6A‑3(B) is in issue.

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

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