



Support Senate Bill 215

Sponsors: Sen. Mark Moores & Sen. Brenda McKenna



Criminalize Animal Sexual Abuse (Bestiality) in New Mexico

New Mexico is one of only two states^[1] where sexual abuse of animals is **not** a crime. This dangerous gap allows for the proliferation of cruel, harmful acts—which are strongly linked to child sexual abuse, child pornography, and other violent and exploitative crimes.



What does SB 215 do? [Substitute bill prepared for Senate Judiciary Committee]

- 1 Establishes the **crime of bestiality** (sexual contact between a human and animal)—a 4th degree felony.
- 2 Establishes the **crime of promoting bestiality**—a 4th degree felony—which includes:
 - Coercing, manipulating, or soliciting another person to commit bestiality
 - Selling, offering, advertising, buying, or possessing an animal with the intent to use the animal for bestiality
- 3 Establishes the **crime of aggravated bestiality**—a 3rd degree felony—which includes committing bestiality or promoting bestiality in the presence of a minor or involving a minor as a participant.
- 4 **Those convicted of these crimes:**
 - Shall have animals in their custody or care seized
 - Cannot possess, live with, or care for animals for three to fifteen years
 - May be ordered to submit to psychological assessment and counseling
 - May be ordered to pay restitution for the care of animals harmed by their crime

What is bestiality?

Animal sexual abuse, also referred to as bestiality, is any sexual act that occurs between a person and an animal. People often assume that the incidence of bestiality is exceedingly rare; however, it occurs throughout the United States, including New Mexico. Incidents frequently go undetected or unreported.

How would criminalizing bestiality help protect children and others?

Outlawing bestiality in New Mexico—being able to investigate and prosecute this crime—will provide a tool for health professionals, law enforcement, and the courts to address this and prevent other behavior that harms society.

[1] The other state where bestiality is still legal is West Virginia.

According to studies, bestiality is linked to other violent and sexual offenses:

- Bestiality is the single largest risk factor and strongest predictor of increased risk for committing child sexual abuse (Abel 2009)
- Nearly 40% of arrests for bestiality also involve child sexual abuse (Edwards 2019)
- 53% of bestiality offenders have a criminal history involving sexual abuse, collecting or using child pornography, and interpersonal & domestic violence (Edwards 2019)

Do any current laws outlaw bestiality?

Currently, there are no statutes in New Mexico law to prohibit the sexual abuse of an animal by a person. For that reason, offenders may be charged with crimes that ignore the sexual nature of the offense, such as animal cruelty, disorderly conduct, or trespass—or they face no consequences at all.

Because New Mexico's state and local animal cruelty laws often rely primarily on demonstrable injury or neglect, many instances of bestiality—which may leave no visual signs of physical injury or only internal injuries—will not lead to cruelty charges.

48 U.S. states outlaw bestiality in some form, and bestiality is a crime under the federal United States Armed Forces Code.

Recent Examples

1 In October 2020, Animal Protection New Mexico's Animal Cruelty Helpline received a report from a concerned individual who spotted an alarming Craigslist ad. This individual had contacted the author to learn more and received an admission of intent to sexually abuse a horse.

2 A September 2022 anonymous tip to a local news organization shared an ad on an online dating site, alluding to a request for a connection to a dog to sexually abuse (showing an outdated map of the last 5 states without anti-bestiality laws).

