

FORTY-FIFTH LEGISLATURE
FIRST SESSION, 2001

February 16, 2001

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
HOUSE BILL 40

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 13, after the first semicolon strike the remainder of the line and insert in lieu thereof "PRESCRIBING CRIMINAL PENALTIES; PROVIDING EXCEPTIONS;".

2. On page 1, line 14, strike "A SECTION" and insert in lieu thereof "SECTIONS".

3. On page 1, between lines 16 and 17, insert the following section:

"Section 1. Section 30-6A-2 NMSA 1978 (being Laws 1984, Chapter 92, Section 2, as amended) is amended to read:

"30-6A-2. DEFINITIONS.--As used in the Sexual Exploitation of Children Act:

A. "prohibited sexual act" means:

(1) sexual intercourse, including genital-genital, oral-genital, anal-genital, oral-anal, digital penetration or penetration by any foreign object, whether between persons of the same or opposite sex;

(2) bestiality;

(3) masturbation;

(4) sadomasochistic abuse for the purpose of sexual stimulation; [or

(5) lewd and sexually explicit exhibition with a focus on the genitals or pubic area of any person for the purpose of sexual stimulation;

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B. "visual or print medium" means:

(1) any film, photograph, negative, slide, computer diskette, videotape, videodisc or any computer or electronically generated imagery; or

(2) any book, magazine or other form of publication or photographic reproduction containing or incorporating any film, photograph, negative, slide, computer diskette, videotape, videodisc or any computer generated or electronically generated imagery;

C. "performed publicly" means performed in a place which is open to or used by the public; and

D. "manufacture" means the production, processing, copying by any means, printing, packaging or repackaging of any visual or print medium depicting any prohibited sexual act or simulation of such an act if one or more of the participants in that act is a child under eighteen years of age. "".

4. On page 3, line 7, strike the closing quotation mark.

5. On page 3, between lines 7 and 8, insert the following subsection:

"F. The provisions of this section shall not apply to possession of a visual or print medium depicting any prohibited sexual act or simulation of such an act when it is possessed for a bona fide medical or psychological treatment, social work, law enforcement, legal representation, judicial or legislative purpose. "".

Respectfully submitted,

Gail C. Beam, Vice Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Foley

Absent: None

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