

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 788

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Gloria C. Vaughn

AN ACT

RELATING TO CRIMINAL LAW; CREATING A CRIMINAL OFFENSE KNOWN AS
UNLAWFUL FILMING, VIDEOTAPING OR PHOTOGRAPHING OF A PERSON;
PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] UNLAWFUL FILMING, VIDEOTAPING OR
PHOTOGRAPHING OF A PERSON. - -

A. Unlawful filming, videotaping or photographing
of a person consists of knowingly, with the intent to invade
the person's privacy, filming, videotaping or photographing a
person without that person's consent when:

(1) the person is naked or in a state of
undress that exposes the person's genitals, pubic area,

underscored material = new
[bracketed material] = delete

1 buttocks or female breast;

2 (2) the person is in a restroom, dressing
3 room, locker room, hotel room, motel room, tanning booth,
4 tanning bed, bedroom or any other location not open to public
5 view; and

6 (3) the circumstances are such that the
7 person has a reasonable expectation of privacy.

8 B. The provisions of Subsection A of this section
9 do not apply to filming, videotaping or photographing by:

10 (1) law enforcement officers who are
11 conducting a lawful criminal investigation;

12 (2) corrections or jail officials who are
13 investigating alleged misconduct by an inmate or conducting an
14 inmate cell extraction; or

15 (3) employees and independent contractors of
16 the news media engaged in the gathering of information
17 expected to produce news for broadcast or publication.

18 C. Whoever commits unlawful filming, videotaping
19 or photographing of a person is guilty of a misdemeanor. "

20 Section 2. EFFECTIVE DATE. -- The effective date of the
21 provisions of this act is July 1, 2001.

22 - 2 -

23

24

25