

1 HOUSE BILL 159

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Sharon Clahchischilliage and Monica Youngblood

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10 AN ACT

11 RELATING TO SEXUAL OFFENSES; INCLUDING AN ATTEMPT TO VIEW IN  
12 THE CRIME OF VOYEURISM; EXPANDING THE DEFINITION OF "VOYEURISM"  
13 TO INCLUDE ATTEMPTING TO VIEW A PERSON.

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

16 SECTION 1. Section 30-9-20 NMSA 1978 (being Laws 2007,  
17 Chapter 238, Section 1) is amended to read:

18 "30-9-20. VOYEURISM PROHIBITED--PENALTIES.--

19 A. Voyeurism consists of intentionally using the  
20 unaided eye to view or attempt to view or intentionally using  
21 an instrumentality to view, attempt to view, photograph,  
22 videotape, film, webcast or record the intimate areas of  
23 another person without the knowledge and consent of that  
24 person:

25 (1) while the person is in the interior of a

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underscored material = new  
[bracketed material] = delete

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[bracketed material] = delete

1 bedroom, bathroom, changing room, fitting room, dressing room  
2 or tanning booth or the interior of any other area in which the  
3 person has a reasonable expectation of privacy; or

4 (2) under circumstances where the person has a  
5 reasonable expectation of privacy, whether in a public or  
6 private place.

7 B. Whoever commits voyeurism is guilty of a  
8 misdemeanor, except if the victim is less than eighteen years  
9 of age, the offender is guilty of a fourth degree felony.

10 C. As used in this section:

11 (1) "intimate areas" means the primary genital  
12 area, groin, buttocks, anus or breasts or the undergarments  
13 that cover those areas; and

14 (2) "instrumentality" means a periscope,  
15 telescope, binoculars, camcorder, computer, motion picture  
16 camera, digital camera, telephone camera, photographic camera  
17 or electronic device of any type."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2017.