

underscored material = new  
~~[bracketed material]~~ = delete

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 257

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Gloria C. Vaughn

AN ACT

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

A. Unlawful observing, filming, videotaping or  
photographing of a person consists of observing, filming,  
videotaping or photographing a person without that person's  
consent when the person is:

(1) naked, clad in undergarments or is in a  
state of undress that exposes the persons's genitals, pubic

underscoring material = new  
~~[bracketed material] = delete~~

1 area, buttocks or female breast; and

2 (2) in a restroom, dressing room, locker  
3 room, hotel room, motel room, tanning booth, tanning bed,  
4 bedroom or any other location not open to public view and the  
5 circumstances are such that the person has a reasonable  
6 expectation of privacy.

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

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

12 (2) corrections officials who are  
13 investigating alleged misconduct by an offender committed to  
14 a corrections facility;

15 (3) jail officials who are investigating  
16 alleged misconduct by an offender committed to a jail; or

17 (4) corrections or jail officials who are  
18 observing, filming, videotaping or photographing for security  
19 purposes.

20 C. Whoever commits unlawful observing, filming,  
21 videotaping or photographing of a person is guilty of a  
22 misdemeanor."

23 Section 2. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2000.