

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR

HOUSE BILL 257

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

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 the person is:

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

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underscored material = new  
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1 breast;

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

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

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

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

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

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

17 (4) licensed private investigators who are  
18 conducting investigations reasonably expected to be used in  
19 domestic relations cases.

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

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