

underscored material = new
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SENATE BILL 73

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

INTRODUCED BY

L. Skip Vernon

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

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~~[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.