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HOUSE BILL 40

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

INTRODUCED BY

John A. Sanchez

AN ACT

RELATING TO CRIMINAL LAW; MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO POSSESS A VISUAL OR PRINT MEDIUM THAT DEPICTS A SEXUAL ACT INVOLVING A CHILD; PROVIDING A CRIMINAL PENALTY; AMENDING A SECTION OF THE SEXUAL EXPLOITATION OF CHILDREN ACT.

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

Section 1. Section 30-6A-3 NMSA 1978 (being Laws 1984, Chapter 92, Section 3, as amended) is amended to read:

"30-6A-3. SEXUAL EXPLOITATION OF CHILDREN. --

A. It is unlawful for a person to intentionally possess any visual or print medium depicting any prohibited sexual act or simulation of such an act if that person knows or has reason to know that the medium depicts any prohibited sexual act or simulation of such act and if that person knows or has reason to know that one or more of the participants in

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1 that act is a child under eighteen years of age. A person who  
2 violates the provisions of this subsection is guilty of a  
3 fourth degree felony.

4 [A.] B. It is unlawful for [any] a person to  
5 intentionally distribute [~~or possess with intent to~~  
6 ~~distribute~~] any visual or print medium depicting any  
7 prohibited sexual act or simulation of such an act if that  
8 person knows or has reason to know that the medium depicts any  
9 prohibited sexual act or simulation of such act and if that  
10 person knows or has reason to know that one or more of the  
11 participants in that act is a child under eighteen years of  
12 age. [Any] A person who violates the provisions of this  
13 subsection is guilty of a third degree felony.

14 [B.] C. It is unlawful for [any] a person to  
15 intentionally cause or permit a child under eighteen years of  
16 age to engage in any prohibited sexual act or simulation of  
17 such an act if that person knows, has reason to know or  
18 intends that the act may be recorded in any visual or print  
19 medium or performed publicly. [Any] A person who violates the  
20 provisions of this subsection is guilty of a third degree  
21 felony, unless the child is under the age of thirteen, in  
22 which event the person is guilty of a second degree felony.

23 [C.] D. It is unlawful for [any] a person to  
24 intentionally manufacture any visual or print medium depicting  
25 any prohibited sexual act or simulation of such an act if one

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1 or more of the participants in that act is a child under  
2 eighteen years of age. [~~Any~~] A person who violates the  
3 provisions of this subsection is guilty of a second degree  
4 felony.

5 ~~[D-]~~ E. The penalties provided for in this section  
6 shall be in addition to those set out in Section 30-9-11 NMSA  
7 1978. "

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