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AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING THE CRIMINAL OFFENSE OF VOYEURISM; 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:

"VOYEURISM PROHIBITED--PENALTIES.--

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

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

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

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

C. As used in this section:

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

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

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007. _____