

1 HOUSE BILL 238

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Brian F. Egolf, Jr.

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10 AN ACT

11 RELATING TO CRIMINAL LAW; MAKING UNAUTHORIZED DISTRIBUTION OF  
12 SENSITIVE IMAGES A CRIME; PROVIDING PENALTIES.

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

15 SECTION 1. A new section of the Criminal Code is enacted  
16 to read:

17 "[NEW MATERIAL] UNAUTHORIZED DISTRIBUTION OF SENSITIVE  
18 IMAGES--PENALTIES.--

19 A. Unauthorized distribution of sensitive images  
20 consists of distributing, publishing or otherwise making  
21 available by an electronic communications device or other  
22 means, sensitive images of a person, with or without  
23 information identifying that person, without that person's  
24 consent and with the intent to:

25 (1) harass, humiliate or intimidate that

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

underscoring material = new  
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1 person;

2 (2) incite another to harass, humiliate or  
3 intimidate that person;

4 (3) cause that person to reasonably fear for  
5 that person's own or family members' safety;

6 (4) cause that person to suffer unwanted  
7 physical contact or injury; and

8 (5) cause that person to suffer substantial  
9 emotional distress.

10 B. For the purpose of this section:

11 (1) "electronic communication device" means a  
12 computer, an internet web site or page, a video recorder, a  
13 digital camera, a fax machine, a telephone, a cellular  
14 telephone, a pager or any other device that can produce an  
15 electronically generated image, message or signal; and

16 (2) "sensitive images" means images,  
17 photographs, videos or other likenesses of an unclothed or  
18 partially clothed person that may reasonably be considered to  
19 be private, intimate or inappropriate for distribution or  
20 publication without that person's consent.

21 C. Whoever commits unauthorized distribution of  
22 sensitive images is guilty of a misdemeanor. Upon a second or  
23 subsequent conviction, the offender is guilty of a fourth  
24 degree felony."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the  
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1 provisions of this act is July 1, 2014.

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