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HOUSE BILL 132

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sharon Clahchischilliage

AN ACT

RELATING TO SEXUAL OFFENSES; INCLUDING AN ATTEMPT TO VIEW IN
THE CRIME OF VOYEURISM; EXPANDING THE DEFINITION OF "VOYEURISM"
TO INCLUDE ATTEMPTING TO VIEW A PERSON.

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

SECTION 1. Section 30-9-20 NMSA 1978 (being Laws 2007,
Chapter 238, Section 1) is amended to read:

"30-9-20. VOYEURISM PROHIBITED--PENALTIES.--

A. Voyeurism consists of intentionally using the
unaided eye to view or attempt to view or intentionally using
an instrumentality to view or attempt 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

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

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

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

10 C. As used in this section:

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

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

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2015.