

1 HOUSE BILL 251

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Randal S. Crowder

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10 AN ACT

11 RELATING TO CHILD PORNOGRAPHY; MAKING EACH SEPARATE IMAGE OF A
12 CHILD PROSECUTABLE AS AN INDIVIDUAL CRIMINAL OFFENSE; DECLARING
13 AN EMERGENCY.

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

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

18 "30-6A-3. SEXUAL EXPLOITATION OF CHILDREN.--

19 A. It is unlawful for a person to intentionally
20 possess any obscene visual or print medium depicting any
21 prohibited sexual act or simulation of such an act if that
22 person knows or has reason to know that the obscene medium
23 depicts any prohibited sexual act or simulation of such act and
24 if that person knows or has reason to know that one or more of
25 the participants in that act is a child under eighteen years of

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1 age. A person who violates the provisions of this subsection
2 is guilty of a fourth degree felony.

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

12 C. It is unlawful for a person to intentionally
13 cause or permit a child under eighteen years of age to engage
14 in any prohibited sexual act or simulation of such an act if
15 that person knows, has reason to know or intends that the act
16 may be recorded in any obscene visual or print medium or
17 performed publicly. A person who violates the provisions of
18 this subsection is guilty of a third degree felony, unless the
19 child is under the age of thirteen, in which event the person
20 is guilty of a second degree felony. For the purposes of this
21 subsection, each separate image recorded or each act performed
22 publicly shall be prosecuted as an individual criminal offense.

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

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underscoring material = new
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1 more of the participants in that act is a child under eighteen
2 years of age. A person who violates the provisions of this
3 subsection is guilty of a second degree felony.

4 E. It is unlawful for a person to intentionally
5 manufacture any obscene visual or print medium depicting any
6 prohibited sexual act or simulation of such an act if that
7 person knows or has reason to know that the obscene medium
8 depicts a prohibited sexual act or simulation of such an act
9 and if that person knows or has reason to know that a real
10 child under eighteen years of age, who is not a participant, is
11 depicted as a participant in that act. A person who violates
12 the provisions of this subsection is guilty of a fourth degree
13 felony.

14 F. It is unlawful for a person to intentionally
15 distribute any obscene visual or print medium depicting any
16 prohibited sexual act or simulation of such an act if that
17 person knows or has reason to know that the obscene medium
18 depicts a prohibited sexual act or simulation of such an act
19 and if that person knows or has reason to know that a real
20 child under eighteen years of age, who is not a participant, is
21 depicted as a participant in that act. A person who violates
22 the provisions of this subsection is guilty of a third degree
23 felony.

24 G. The penalties provided for in this section shall
25 be in addition to those set out in Section 30-9-11 NMSA 1978.

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