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HOUSE BILL 71

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO CRIME; AMENDING A SECTION OF THE CRIMINAL CODE TO
PROVIDE CRIMINAL PENALTIES FOR ELECTRONIC COMMUNICATION OF
IMAGES OF ANY PERSON'S INTIMATE PARTS TO A CHILD.

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

SECTION 1. Section 30-37-3.3 NMSA 1978 (being Laws 2007,
Chapter 67, Section 1) is amended to read:

"30-37-3.3. CRIMINAL SEXUAL COMMUNICATION WITH A CHILD--
PENALTY.--

A. Criminal sexual communication with a child
consists of a person knowingly and intentionally communicating
directly with a specific child under sixteen years of age by
[~~sending~~] providing the child obscene images of [~~the~~] any
person's intimate parts by means of an electronic communication
device when the perpetrator is at least four years older than

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1 the child.

2 B. Whoever commits sexual communication with a
3 child is guilty of a fourth degree felony.

4 C. As used in this section:

5 (1) "electronic communication device" means a
6 computer, video recorder, digital camera, fax machine,
7 telephone, pager or any other device that can produce an
8 electronically generated image; and

9 (2) "intimate parts" means the primary genital
10 area, groin, buttocks, anus or breast."