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HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

DISCUSSION DRAFT

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 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 the child.

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

C. As used in this section:

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

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