AN ACT

RELATING TO SEXUAL OFFENSES; INCLUDING AN ATTEMPT TO VIEW IN THE CRIME OF VOYEURISM; EXPANDING THE DEFINITION OF "VOYEURISM" TO INCLUDE VIEWING OR ATTEMPTING TO VIEW A PERSON IN A STATE OF UNDRESS OR PARTIAL DRESS.

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 while that person is in a state of undress or partial dress without the knowledge and consent of that person:

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1   (1)   while the person is in the interior of a

2 bedroom, bathroom, changing room, fitting room, dressing room

3 or tanning booth or the interior of any other area in which the

4 person has a reasonable expectation of privacy; or

5   (2)   under circumstances where the person has a

6 reasonable expectation of privacy, whether in a public or

7 private place.

8   B.   Whoever commits voyeurism is guilty of a

9 misdemeanor, except if the victim is less than eighteen years

10 of age, the offender is guilty of a fourth degree felony.

11   C.   As used in this section:

12   (1)   "intimate areas" means the primary genital

13 area, groin, buttocks, anus or breasts or the undergarments

14 that cover those areas; and

15   (2)   "instrumentality" means a periscope,

16 telescope, binoculars, camcorder, computer, motion picture

17 camera, digital camera, telephone camera, photographic camera

18 or electronic device of any type."

19   **SECTION 2.**   EFFECTIVE DATE.--The effective date of the

20 provisions of this act is July 1, 2014.

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