

FORTY- FIFTH LEGISLATURE
FIRST SESSION

February 23, 2001

SENATE FLOOR AMENDMENT number 1 to HOUSE BILL 17

Amendment sponsored by Senator Cisco McSorley

1. On page 1, line 12, strike "A" and insert in lieu thereof "AN OBSCENE".

2. On page 1, line 14, strike "A SECTION" and insert in lieu thereof "SECTIONS".

3. On page 1, between lines 16 and 17, insert the following section:

"Section 1. Section 30-6A-2 NMSA 1978 (being Laws 1984, Chapter 92, Section 2, as amended) is amended to read:

"30-6A-2. DEFINITIONS. --As used in the Sexual Exploitation of Children Act:

A. "prohibited sexual act" means:

(1) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex;

(2) bestiality;

(3) masturbation;

(4) sadomasochistic abuse for the purpose of sexual stimulation; or

(5) lewd and sexually explicit exhibition with a focus on the genitals or pubic area of any person for the purpose of sexual stimulation;

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B. "visual or print medium" means:

(1) any film, photograph, negative, slide, computer diskette, videotape, videodisc or any computer or electronically generated imagery; or

(2) any book, magazine or other form of publication or photographic reproduction containing or incorporating any film, photograph, negative, slide, computer diskette, videotape, videodisc or any computer generated or electronically generated imagery;

C. "performed publicly" means performed in a place [~~which~~ that is open to or used by the public; [~~and~~]

D. "manufacture" means the production, processing, copying by any means, printing, packaging or repackaging of any visual or print medium depicting any prohibited sexual act or simulation of such an act if one or more of the participants in that act is a child under eighteen years of age; and

E. "obscene" means any material, when the content if taken as a whole:

(1) appeals to a prurient interest in sex, as determined by the average person applying contemporary community standards;

(2) portrays a prohibited sexual act in a patently offensive way; and

(3) lacks serious literary, artistic, political or scientific value. "".

4. Renumber the succeeding sections accordingly.

5. On page 1, line 21, after "any" insert "obscene".

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6. On page 1, line 23, after "the" insert "obscene".
7. On page 2, line 6, after "any" insert "obscene".
8. On page 2, line 8, after "the" insert "obscene".
9. On page 2, line 18, after "any" insert "obscene".
10. On page 2, line 24, after "any" insert "obscene".

Cisco McSorley

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____