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HOUSE BILL 253

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO CRIMINAL LAW; PROHIBITING THE REPRODUCTION OF CHILD
PORNOGRAPHY EVIDENCE TO A DEFENDANT BEING PROSECUTED UNDER THE
SEXUAL EXPLOITATION OF CHILDREN ACT.

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

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

"30-6A-1. SHORT TITLE.--~~[Sections 1 through 4 of this
act]~~ Chapter 30, Article 6A NMSA 1978 may be cited as the
"Sexual Exploitation of Children Act"."

SECTION 2. A new section of the Sexual Exploitation of
Children Act is enacted to read:

"[NEW MATERIAL] CHILD PORNOGRAPHY EVIDENCE--REPRODUCTION
PROHIBITED.--

A. In any criminal prosecution pursuant to the

.183209.2SA

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 Sexual Exploitation of Children Act, any visual or print medium
2 that may constitute child pornography shall remain in the care,
3 custody and control of either the state or the court.

4 B. Notwithstanding Rule 5-501 of the Rules of
5 Criminal Procedure for the District Courts, a court shall not
6 allow a defendant to copy, photograph, duplicate or otherwise
7 reproduce any visual or print medium that may constitute child
8 pornography; provided, however, that the state shall make all
9 such evidence reasonably available to the defendant and shall
10 provide ample opportunity for the defendant and the defendant's
11 attorneys and experts to inspect and examine the evidence at a
12 government facility."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2011.