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HOUSE BILL 101

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO CRIMINAL LAW; REVISING PENALTIES FOR SEXUAL
EXPLOITATION OF CHILDREN BY PROSTITUTION.

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. Section 30-6A-4 NMSA 1978 (being Laws 1984,
Chapter 92, Section 4, as amended) is amended to read:

"30-6A-4. SEXUAL EXPLOITATION OF CHILDREN BY
PROSTITUTION.--

A. Any person knowingly receiving any pecuniary
profit as a result of a child ~~[under the age of]~~ sixteen years

underscored material = new
[bracketed material] = delete

underscored material = new
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1 of age or younger engaging in a prohibited sexual act with
2 another is guilty of a second degree felony, unless the child
3 is [~~under the age of~~] thirteen years of age or younger, in
4 which event the person is guilty of a first degree felony.

5 B. Any person hiring or offering to hire a child
6 who is thirteen years of age or younger to engage in any
7 prohibited sexual act is guilty of a first degree felony.

8 [~~B.~~] C. Any person hiring or offering to hire a
9 child [~~over the age of thirteen and under the age of~~] who is
10 fourteen years of age to sixteen years of age to engage in any
11 prohibited sexual act is guilty of a second degree felony.

12 [~~G.~~] D. Any parent, legal guardian or person having
13 custody or control of a child under sixteen years of age who
14 knowingly permits that child to engage in or to assist any
15 other person to engage in any prohibited sexual act or
16 simulation of such an act for the purpose of producing any
17 visual or print medium depicting such an act is guilty of a
18 third degree felony."

19 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
20 provisions of this act is July 1, 2015.