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SENATE BILL 382

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

MARY JANE M GARCIA

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE CRIMINAL PENALTIES FOR  
INDECENT EXPOSURE; CREATING A NEW CRIMINAL OFFENSE KNOWN AS  
AGGRAVATED INDECENT EXPOSURE; AMENDING AND ENACTING SECTIONS OF  
THE CRIMINAL CODE.

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

Section 1. Section 30-9-14 NMSA 1978 (being Laws 1975,  
Chapter 109, Section 5) is amended to read:

"30-9-14. INDECENT EXPOSURE. --

A. Indecent exposure consists of a person knowingly  
and intentionally exposing his primary genital area to public  
view.

B. As used in this section, "primary genital area"  
means the mons pubis, penis, testicles, mons veneris, vulva or  
vagina.

Underscored material = new  
[bracketed material] = delete

1           ~~[Whoever commits indecent exposure before a child under the~~  
2 ~~age of thirteen is guilty of a misdemeanor.]~~

3           ~~Whoever commits indecent exposure before a person thirteen~~  
4 ~~years of age or older is guilty of a petty misdemeanor.]~~

5           C. Whoever commits indecent exposure before a child  
6 under the age of eighteen is guilty of a fourth degree felony.

7           D. Whoever commits indecent exposure before a person  
8 eighteen years of age or older is guilty of a misdemeanor. Upon  
9 a second or subsequent conviction for committing indecent  
10 exposure before a person eighteen years of age or older, the  
11 offender is guilty of a fourth degree felony."

12           Section 2. A new section of the Criminal Code is enacted  
13 to read:

14           "[NEW MATERIAL] AGGRAVATED INDECENT EXPOSURE. --

15           A. Aggravated indecent exposure consists of a person  
16 knowingly and intentionally exposing his primary genital area to  
17 public view while committing one or more of the following  
18 criminal offenses:

19                       (1) assault, as provided in Section 30-3-1 NMSA  
20 1978;

21                       (2) aggravated assault, as provided in Section  
22 30-3-2 NMSA 1978;

23                       (3) assault with intent to commit a violent  
24 felony, as provided in Section 30-3-3 NMSA 1978;

25                       (4) battery, as provided in Section 30-3-4 NMSA

Underscored material = new  
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1 1978; or

2 (5) aggravated battery, as provided in Section  
3 30-3-5 NMSA 1978.

4 B. As used in this section, "primary genital area"  
5 means the mons pubis, penis, testicles, mons veneris, vulva or  
6 vagina.

7 C. Whoever commits aggravated indecent exposure  
8 before a child under the age of eighteen is guilty of a third  
9 degree felony.

10 D. Whoever commits aggravated indecent exposure  
11 before a person eighteen years of age or older is guilty of a  
12 fourth degree felony. "

13 Section 3. EFFECTIVE DATE. -- The effective date of the  
14 provisions of this act is July 1, 1996.

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1 FORTY- SECOND LEGI SLATURE

2 SECOND SESSION, 1996

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6 FEBRUARY 4, 1996

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8 Mr. President:

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10 Your COMMI TTEES' COMMI TTEE, to whom has been referred

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12 SENATE BI LL 382

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15 has had it under consideration and finds same to be GERMANE, PURSUANT  
16 TO HOUSE EXECUTIVE MESSAGE NUMBER SIX, and thence referred to the  
17 PUBLI C AFFAI RS COMMI TTEE.

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19 Respectfully submitte d,

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SENATOR MANNY M. ARAGON, Chai rman

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Underscored material = new  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

S0382CC1

1 FORTY-SECOND LEGISLATURE

2 SECOND SESSION, 1996

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6 February 12, 1996

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8 Mr. President:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

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12 SENATE BILL 382

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14 has had it under consideration and reports same with recommendation that

15 it DO NOT PASS, but that

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18 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

19 SENATE BILL 382

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21 DO PASS.

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23 Respectfully submitted,

Jani ce D. Paster, Chair man

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chi ef Clerk) (Chi ef Clerk)

Date \_\_\_\_\_

The roll call vote was 4 For 1 Against

Yes: 4

No: Scott

Excused: None

Absent: Carraro, Sanchez, Stefani cs, Vernon

S0382JU1

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

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 382

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
1996

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE CRIMINAL PENALTY FOR  
INDECENT EXPOSURE; CREATING A NEW CRIMINAL OFFENSE KNOWN AS  
AGGRAVATED INDECENT EXPOSURE; REQUIRING AN OFFENDER TO  
PARTICIPATE IN AND COMPLETE A COUNSELING PROGRAM; AMENDING AND  
ENACTING SECTIONS OF THE CRIMINAL CODE.

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

Section 1. Section 30-9-14 NMSA 1978 (being Laws 1975,  
Chapter 109, Section 5) is amended to read:

"30-9-14. INDECENT EXPOSURE. --

A. Indecent exposure consists of a person knowingly  
and intentionally exposing his primary genital area to public  
view.

B. As used in this section, "primary genital area"



means the mons pubis, penis, testicles, mons veneris, vulva or vagina.

C. ~~Whoever commits indecent exposure [before a child under the age of thirteen]~~ is guilty of a misdemeanor.

~~[Whoever commits indecent exposure before a person thirteen years of age or older is guilty of a petty misdemeanor.]~~

D. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted for committing indecent exposure to participate in and complete a program of professional counseling at his own expense. "

Section 2. A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] AGGRAVATED INDECENT EXPOSURE. --

A. Aggravated indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view in a lewd and lascivious manner, with the intent to threaten or intimidate another person, while committing one or more of the following acts or criminal offenses:

(1) exposure to a child less than eighteen years of age;

(2) assault, as provided in Section 30-3-1 NMSA 1978;

(3) aggravated assault, as provided in Section 30-3-2 NMSA 1978;

(4) assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978;

(5) battery, as provided in Section 30-3-4 NMSA

1 1978;

2 (6) aggravated battery, as provided in Section 30-3-  
3 5 NMSA 1978;

4 (7) criminal sexual penetration, as provided in  
5 Section 30-9-11 NMSA 1978; or

6 (8) abuse of a child, as provided in Section  
7 30-6-1 NMSA 1978.

8 B. As used in this section, "primary genital area" means  
9 the mons pubis, penis, testicles, mons veneris, vulva or vagina.

10 C. Whoever commits aggravated indecent exposure is guilty  
11 of a fourth degree felony.

12 D. In addition to any punishment provided pursuant to the  
13 provisions of this section, the court shall order a person  
14 convicted for committing aggravated indecent exposure to  
15 participate in and complete a program of professional counseling at  
16 his own expense. "

17 Section 3. EFFECTIVE DATE. -- The effective date of the  
18 provisions of this act is July 1, 1996.