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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

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

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--EXCEPTION.--

A. In any criminal prosecution pursuant to the

.190354.1SA

underscored 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 and except as
6 provided in Subsection C of this section, a court shall not
7 allow a defendant to copy, photograph, duplicate or otherwise
8 reproduce any visual or print medium that may constitute child
9 pornography; provided, however, that the state shall make all
10 such evidence reasonably available to the defendant and shall
11 provide ample opportunity for the defendant and the defendant's
12 attorneys and experts to inspect and examine the evidence at a
13 government facility.

14 C. A defendant may file a motion and, upon a
15 finding of good cause, the court may issue an order allowing
16 duplication."

17 SECTION 3. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2013.