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SENATE BILL 76

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO CRIMINAL LAW; CREATING CRIMINAL OFFENSES KNOWN AS
VOYEURISM AND ELECTRONIC VOYEURISM; PROVIDING PENALTIES;
ENACTING A SECTION OF THE CRIMINAL CODE.

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

Section 1. A new section of the Criminal Code is enacted
to read:

" [NEW MATERIAL] VOYEURISM- - ELECTRONIC VOYEURISM- -
EXCEPTIONS. --

A. Voyeurism consists of hiding, waiting or
otherwise loitering in the vicinity of a private dwelling
house, apartment building or any other place of residence, or
in the vicinity of a locker room, dressing room, restroom or
any other place where a person has a right to a reasonable
expectation of privacy, with the unlawful and willful intent to

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1 view, watch, gaze or look upon a person in a clandestine
2 manner.

3 B. Electronic voyeurism consists of:

4 (1) using photographic, electronic or video
5 equipment in a clandestine manner for an illegal, illegitimate,
6 lewd or lascivious purpose with the intent to view, watch, gaze
7 or look upon a person without the knowledge or consent of such
8 person when the person viewed is in a place where there is a
9 right to a reasonable expectation of privacy; or

10 (2) publishing or distributing an image
11 obtained from using photographic, electronic or video equipment
12 in a clandestine manner for an illegal, illegitimate, lewd or
13 lascivious purpose without the knowledge or consent of a person
14 when the person viewed is in a place where there is a right to
15 a reasonable expectation of privacy.

16 C. The provisions of Subsections A and B of this
17 section do not apply to viewing, watching, gazing or looking
18 upon a person by:

19 (1) law enforcement officers who are
20 conducting a lawful criminal investigation;

21 (2) corrections officials who are
22 investigating alleged misconduct by an offender committed to a
23 corrections facility;

24 (3) jail officials who are investigating
25 alleged misconduct by an offender committed to a jail; or

1 (4) corrections or jail officials who are
2 viewing, watching, gazing or looking upon a person for security
3 purposes.

4 D. Whoever commits voyeurism is guilty of a
5 misdemeanor.

6 E. Whoever commits electronic voyeurism is guilty
7 of a fourth degree felony. "

8 Section 2. EFFECTIVE DATE. --The effective date of the
9 provisions of this act is July 1, 2003.

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