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AN ACT

RELATING TO CRIMINAL LAW; ELIMINATING THE CRIMINAL OFFENSES OF DISSEMINATION OF MATERIAL THAT IS HARMFUL TO A MINOR BY COMPUTER AND CHILD LURING; CREATING A NEW CRIMINAL OFFENSE KNOWN AS CHILD SOLICITATION BY COMPUTER; PROVIDING PENALTIES.

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

Section 1. Section 30-37-3.2 NMSA 1978 (being Laws 1998, Chapter 64, Section 1) is amended to read:

"30-37-3.2. CHILD SOLICITATION BY COMPUTER.--

A. Child solicitation by computer consists of a person knowingly and intentionally soliciting a child under sixteen years of age, by means of computer, to engage in sexual intercourse, sexual contact or in a sexual or obscene performance, or to engage in any other sexual conduct when the perpetrator is at least three years older than the child. Whoever commits child solicitation by computer is guilty of a fourth degree felony.

B. In a prosecution for child solicitation by computer, it is not a defense that the intended victim of the defendant was a peace officer posing as a child under sixteen years of age.

C. For purposes of determining jurisdiction, child solicitation by computer is committed in this state if a computer transmission either originates or is received in

1 this state."

2 Section 2. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2005. _____

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