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HOUSE BILL 571

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO CRIMINAL LAW; MAKING POSSESSION OF ANY VISUAL OR  
PRINT MEDIUM THAT SEXUALLY EXPLOITS CHILDREN A CRIME.

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

Section 1. Section 30-6A-3 NMSA 1978 (being Laws 1984,  
Chapter 92, Section 3, as amended) is amended to read:

"30-6A-3. SEXUAL EXPLOITATION OF CHILDREN. - -

A. It is unlawful for any person to intentionally  
distribute [~~or possess with intent to distribute~~] any visual  
or print medium depicting any prohibited sexual act or  
simulation of such an act if that person knows or has reason  
to know that the medium depicts any prohibited sexual act or  
simulation of such act and if that person knows or has reason  
to know that one or more of the participants in that act is a  
child under eighteen years of age. Any person who violates

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1 this subsection is guilty of a third degree felony.

2 B. It is unlawful for any person to intentionally  
3 cause or permit a child under eighteen years of age to engage  
4 in any prohibited sexual act or simulation of such an act if  
5 that person knows, has reason to know or intends that the act  
6 may be recorded in any visual or print medium or performed  
7 publicly. Any person who violates this subsection is guilty  
8 of a third degree felony, unless the child is under the age of  
9 thirteen, in which event the person is guilty of a second  
10 degree felony.

11 C. It is unlawful for any person to intentionally  
12 manufacture any visual or print medium depicting any  
13 prohibited sexual act or simulation of such an act if one or  
14 more of the participants in that act is a child under  
15 eighteen years of age. Any person who violates this  
16 subsection is guilty of a second degree felony.

17 D. The penalties provided for in this section  
18 shall be in addition to those set out in Section 30-9-11 NMSA  
19 1978.

20 E. It is unlawful for any person to intentionally  
21 possess any visual or print medium depicting any prohibited  
22 sexual act if that person knows that the medium depicts any  
23 prohibited sexual act and if that person knows that one or  
24 more of the participants in that act is a child under fourteen  
25 years of age. Any person who violates this subsection is

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guilty of a fourth degree felony. "