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BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL LAW; MAKING UNAUTHORIZED DISTRIBUTION OF SENSITIVE IMAGES A CRIME; PROVIDING PENALTIES.

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] UNAUTHORIZED DISTRIBUTION OF SENSITIVE IMAGES--PENALTIES.--

A. Unauthorized distribution of sensitive images consists of distributing, publishing or otherwise making available, by an electronic communications device or other means, sensitive images of a person, with or without information identifying that person, without that person's consent and with the intent to:

- (1) harass, humiliate or intimidate that

underscored material = new
[bracketed material] = delete

1 person;

2 (2) incite another to harass, humiliate or
3 intimidate that person;

4 (3) cause that person to reasonably fear for
5 that person's own or family members' safety;

6 (4) cause that person to suffer unwanted
7 physical contact or injury; or

8 (5) cause that person to suffer substantial
9 emotional distress.

10 B. For the purpose of this section:

11 (1) "electronic communication device" means a
12 computer, an internet web site or page, a video recorder, a
13 digital camera, a fax machine, a telephone, a cellular
14 telephone, a pager or any other device that can produce an
15 electronically generated image, message or signal; and

16 (2) "sensitive images" means images,
17 photographs, videos or other likenesses of any portion of a
18 person's genitals, or of a woman's breast below the top of the
19 areola, that is either uncovered or visible through less-than-
20 fully opaque clothing, which images may reasonably be
21 considered to be private, intimate or inappropriate for
22 distribution and publication without that person's consent.

23 C. Whoever commits unauthorized distribution of
24 sensitive images is guilty of a misdemeanor. Upon a second or
25 subsequent conviction, the offender is guilty of a fourth

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1 degree felony."

2 SECTION 2. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2015.

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