

Stop Street Harassment

New Mexico

New Mexico has a variety of laws that prohibit verbal harassment, “up-skirt” or other inappropriate photos, indecent exposure or flashing, stalking, groping, and hate crimes. Here are the laws and reporting procedures you need to know.

Verbal Harassment

There are four laws that prohibit some form of verbal street harassment in New Mexico

Disorderly Conduct

[Chap. 30, Article 20 §1](#)

In New Mexico, it is illegal to engage in “violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace.”

If a street harasser is using excessively profane or indecent language toward you, yelling at or threatening you, or otherwise causing a scene, you can report him/her.

Penalty: Disorderly conduct is a petty misdemeanor, punishable by a fine of up to \$500 and/or up to 6 months in jail.

Enticement of a Child

[Chap. 30, Article 9 §1](#)

It is illegal in New Mexico for anyone to try to entice someone younger than 15 years old to enter any vehicle, house, building, room, or secluded space.

If something like this happens to you (or a young person you care for), and you think the person harassing you intends to commit a crime against you, you can call 911 as soon as you feel safe to do so.

Penalty: Enticement of child is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail.

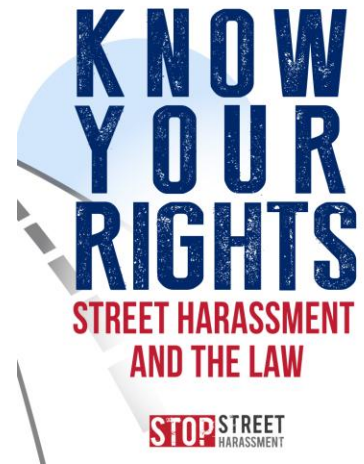
Harassment

[Chap. 30, Article 3A §2](#)

In New Mexico, the general harassment law addresses “knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose.”

A pattern of conduct isn’t specifically defined, but it usually means a series of repeated actions that evidence a continuity of purpose. The law also states that, to be considered harassment, the conduct must be that which “would cause a reasonable person to suffer substantial emotional distress.”

If someone verbally harasses you, follows you, or does any combination of street harassment actions that cause you to suffer substantial emotional distress, you can report him/her.



Stop Street Harassment

New Mexico law, in [Chap. 30, Article 1 §15](#), specifies that if you have been the victim of harassment you will not be required to cover certain court costs, including any costs associated with a necessary restraining order, if you choose to report the crime.

Penalty: Harassment is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail.

Public Nuisance

[Chap. 30, Article 8 §1](#)

New Mexico has a law against “knowingly creating, performing or maintaining” nuisances that either are “injurious to public health, safety, morals or welfare,” or that interfere with “the exercise and enjoyment of public rights, including the right to use public property.”

Street harassment can be injurious to public safety and may limit the right of women and others to use public property.

Nuisance laws typically apply to one entity – either a person or organization – that causes a problem for a large part of the community. New Mexico’s nuisance law probably won’t help if many people in your community are being harassed by a variety of people. If you find that one individual or organization is consistently causing many people to be harassed, you may be able to report it under this law. For example:

- A person who routinely harasses many passersby on the same street corner every day, or who causes some other significant disruption that affects many people at once.
- A company whose employees regularly harass people while on the job, such as construction workers or delivery truck drivers. You might try going directly to the business owner first to file a complaint. But if the harassment doesn’t stop, you could report the business as a nuisance.

Lawmakers, law enforcement officials, or judges may try to trivialize street harassment, but it is okay to make the case for why it IS a public nuisance.

Penalty: A public nuisance is a petty misdemeanor, punishable by a fine of up to \$500 and/or up to 6 months in jail. You may also bring a civil action against any person, corporation, or organization in the state of New Mexico for the abatement of a public nuisance.

Unlawful Filming & Photography

Voyeurism

[Chap. 30, Article 9 §20](#)

It is illegal in New Mexico for anyone to intentionally “view, photograph, videotape, film, webcast or record the intimate areas” of a non-consenting person’s body.

The intimate areas include a person’s naked *or* undergarment-clad genital area, groin, buttocks, anus or breasts.

This law applies in spaces where you might undress, such as a restroom, fitting room, or tanning booth, as well as when you have a reasonable expectation of privacy, whether in a public or private place.

Stop Street Harassment

If a street harasser attempts to view, photograph, or record you inappropriately, or is taking “up-skirt” or “down-blouse” photos of you, you can report him/her.

Penalty: Voyeurism is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail. If the person observed or photographed is less than 18 years of age, voyeurism is a fourth degree felony, punishable by a fine of up to \$5,000 and/or up to 18 months in prison.

Indecent Exposure

Indecent Exposure

[Chap. 30, Article 9 §14](#)

It is illegal in New Mexico for anyone to “knowingly and intentionally” expose his or her primary genital area to the public view.

If a harasser flashes or otherwise exposes him or herself to you or is masturbating in front of you, and you feel alarmed or affronted, you can report that person for indecent exposure.

New Mexico law, in [Chap. 30, Article 1 §15](#), specifies that if you have been the victim of indecent exposure you will not be required to cover certain court costs, including any costs associated with a necessary restraining order, if you choose to report the crime.

Penalty: Indecent exposure is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail. In addition, the law states that a person guilty of indecent exposure must participate in a program of professional counseling.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Stalking

[Chap. 30, Article 3A §3](#)

Stalking in New Mexico is defined as “knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint.”

As used here, a pattern of conduct means two or more acts on separate occasions that include following, monitoring, surveiling, threatening, or communicating to or about you.

If the same person repeatedly harasses you on at least two separate occasions and makes you fear serious injury or sexual assault, you can report him/her for stalking.

New Mexico law, in [Chap. 30, Article 1 §15](#), specifies that if you have been the victim of stalking you will not be required to cover certain court costs, including any costs associated with a necessary restraining order, if you choose to report the crime.

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Penalty: Stalking is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail. In addition, anyone convicted of stalking will be required to complete a program of professional counseling at his or her own expense.

Groping

Aggravated Indecent Exposure

Chap. 30, Article 9 §14.3

New Mexico has a law against aggravated indecent exposure, which is the intentional exposure of a person's genital area while committing another crime.

If a street harasser exposes him or herself to you while assaulting you in some way, or while committing some other crime, you can report him/her.

New Mexico law, in Chap. 30, Article 1 §15, specifies that if you have been the victim of aggravated indecent exposure you will not be required to cover certain court costs, including any costs associated with a necessary restraining order, if you choose to report the crime.

Penalty: Aggravated indecent exposure is a fourth degree felony, punishable by a fine of up to \$5,000 and/or up to 18 months in prison. In addition, anyone convicted of aggravated indecent exposure will be required to complete a program of professional counseling at his or her own expense.

Assault

Chap. 30, Article 3 §1

In New Mexico, assault includes attempting to unlawfully touch or injure you, threatening you or putting you in fear of injury, or using insulting language toward you that impugns – or calls into question – your “honor, delicacy or reputation.”

If a street harasser is using indecent or obscene language about you, insulting you, or using racial, sexist, homophobic or transphobic slurs, this kind of verbal harassment may be considered assault.

Penalty: Assault is a petty misdemeanor, punishable by a fine of up to \$500 and/or up to 6 months in jail.

Battery

Chap. 30, Article 3 §4

Battery in New Mexico is defined as the “unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.”

If a street harasser touches you in a rude, disrespectful or sexual way – such as grabbing you or groping you – you can report him/her.

Penalty: Battery is a petty misdemeanor, punishable by a fine of up to \$500 and/or up to 6 months in jail.

Hate Crimes

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Hate Crimes

Chap. 31, Article 3 §18B

In New Mexico, hate crimes are when crimes are motivated because of a person's actual or perceived:

- Race
- Religion
- Color
- National origin
- Ancestry
- Age
- Disability
- Gender
- Sexual orientation
- Gender identity

Penalty: If there is beyond a reasonable doubt that an offender committed a noncapital felony motivated by hate, the basic sentence of imprisonment for that crime (such as assault) increases by one year.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Santa Fe, it is (505) 428-3710 and in Albuquerque, it's (505) 242-COPS or (505) 242-2677. In Las Cruces, it is 575-526-0795. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name and contact information).
 - A description of what happened.
 - The name and contact information of witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as harassment, [NM Stat § 30-3A-2](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, in [Santa Fe](#), [Albuquerque](#), and [Las Cruces](#) you can use an online form to report some crimes.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.

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- In Santa Fe, you can submit a tip via [webform](#) or by calling (505) 955-5050.
 - In Albuquerque, you can do this by calling (505) 843-STOP, texting the number 274637 (CRIMES) and beginning the message with “APD” or by submitting via [webform](#).
 - In Las Cruces, you can do this by calling 1-800-222-TIPS (8477) or by texting the number CRIMES (274637) and beginning the message with “LCTIPS”.
- Once you’ve reported a crime, if you’ve provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment “isn’t a big deal,” or isn’t illegal, don’t buy it. You always have the right to be free from sexual harassment and assault in public.