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HOUSE BILL 48

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO SEX OFFENDERS; ENACTING A NEW SECTION OF THE SEX  
OFFENDER REGISTRATION AND NOTIFICATION ACT FORBIDDING  
REGISTERED SEX OFFENDERS FROM USING INSTANT MESSAGING, CHAT  
ROOMS OR SOCIAL MEDIA WEB SITES.

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

SECTION 1. A new section of the Sex Offender Registration  
and Notification Act is enacted to read:

"[NEW MATERIAL] RESTRICTIONS ON INTERNET USE.--

A. A sex offender required to register under  
Section 29-11A-4 NMSA 1978 shall not knowingly or intentionally  
use or access the following types of internet interfaces that  
the sex offender knows allow a person who is under eighteen  
years of age to access or use:

- (1) an instant messaging or chat room program;

underscoring material = new  
~~[bracketed material] = delete~~

1 or

2 (2) a social networking web site.

3 B. A sex offender who violates a provision of  
4 Subsection A of this section is guilty of a misdemeanor and  
5 shall be sentenced pursuant to the provisions of Section  
6 31-19-1 NMSA 1978.

7 C. A sex offender who violates a provision of  
8 Subsection A of this section after a first or subsequent  
9 conviction for a violation of a provision of Subsection A of  
10 this section is guilty of a fourth degree felony and shall be  
11 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
12 1978. A conviction pursuant to this subsection shall not be  
13 considered a felony for purposes of the imposition of  
14 sentencing enhancements pursuant to the provisions of Section  
15 31-18-17 NMSA 1978.

16 D. It is a defense to a prosecution under this  
17 section that the sex offender:

18 (1) did not know that the social networking  
19 web site or instant messaging or chat room program allowed a  
20 person who is under eighteen years of age to access or use the  
21 web site or program; or

22 (2) upon discovering that the social  
23 networking web site or instant messaging or chat room program  
24 allows a person who is under eighteen years of age to access or  
25 use the web site or program, immediately ceased further use or

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underscored material = new  
[bracketed material] = delete

1 access of the web site or program.

2 E. As used in this section:

3 (1) "instant messaging or chat room program":

4 (a) means a software program that: 1)  
5 requires a person to register or create an account, a username  
6 or a password to become a member or registered user of the  
7 program; and 2) allows two or more members or authorized users  
8 to communicate over the internet in real time using typed text;  
9 and

10 (b) does not include an electronic mail  
11 program or message board program; and

12 (2) "social networking web site":

13 (a) means an internet web site that: 1)  
14 facilitates the social introduction between two or more  
15 persons; 2) requires a person to register or create an account,  
16 a username or a password to become a member of the web site and  
17 to communicate with other members; 3) allows a member to create  
18 a web page or a personal profile; and 4) provides a member with  
19 the opportunity to communicate with another person; and

20 (b) does not include an electronic mail  
21 program or message board program."

22 SECTION 2. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2013.