AN ACT

RELATING TO HUMAN TRAFFICKING; ADDING INTENT TO COMMIT A SEXUAL OFFENSE TO THE DEFINITIONS OF "KIDNAPPING" AND "FALSE IMPRISONMENT" IN THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT; INCLUDING HUMAN TRAFFICKING FOR COMMERCIAL SEXUAL ACTIVITY AS A SEX OFFENSE; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTIONS OF LAW IN LAWS 2007.

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

SECTION 1. Section 29-11A-3 NMSA 1978 (being Laws 1995, Chapter 106, Section 3, as amended by Laws 2007, Chapter 68, Section 1 and by Laws 2007, Chapter 69, Section 5) is amended to read:

"29-11A-3. DEFINITIONS.--As used in the Sex Offender Registration and Notification Act:

A. "conviction" means a conviction in any court of

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competent jurisdiction and includes a deferred sentence, but

does not include a conditional discharge;

B. "institution of higher education" means a:

(1) private or public post-secondary

educational institution;

(2) trade school; or

(3) professional school;

C. "registration requirement" means any requirement

set forth in Section 29-11A-4 NMSA 1978 that requires a sex

offender to register, provide information, including a DNA

sample, renew, revise or change registration information or

provide written notice or disclosure regarding the sex

offender's status as a sex offender;

D. "sex offender" means a person who:

(1) is a resident of New Mexico who is

convicted of a sex offense pursuant to state, federal, tribal

or military law;

(2) changes residence to New Mexico, when that

person has been convicted of a sex offense pursuant to state,

federal, tribal or military law;

(3) does not have an established residence in

New Mexico, but lives in a shelter, halfway house or

transitional living facility or stays in multiple locations in

New Mexico and who has been convicted of a sex offense pursuant

to state, federal, tribal or military law; or

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1   (4)   is a resident of another state and who has

2 been convicted of a sex offense pursuant to state, federal,

3 tribal or military law, but who is:

4   (a)   employed full time or part time in

5 New Mexico for a period of time exceeding fourteen days or for

6 an aggregate period of time exceeding thirty days during any

7 calendar year, including any employment or vocation, whether

8 financially compensated, volunteered or for the purpose of

9 government or educational benefit; or

10   (b)   enrolled on a full-time or part-time

11 basis in a private or public school or an institution of higher

12 education in New Mexico; and

13   E.   "sex offense" means any of the following

14 offenses or their equivalents in any other jurisdiction:

15   (1)   aggravated criminal sexual penetration or

16 criminal sexual penetration in the first, second, third or

17 fourth degree, as provided in Section 30-9-11 NMSA 1978;

18   (2)   criminal sexual contact in the fourth

19 degree, as provided in Section 30-9-12 NMSA 1978;

20   (3)   criminal sexual contact of a minor in the

21 second, third or fourth degree, as provided in Section

22 30-9-13 NMSA 1978;

23   (4)   sexual exploitation of children, as

24 provided in Section 30-6A-3 NMSA 1978;

25   (5)   sexual exploitation of children by

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prostitution, as provided in Section 30-6A-4 NMSA 1978;

(6) kidnapping, as provided in Section 30-4-1 NMSA 1978, <u>with the intent to inflict a sexual offense</u> when the victim is less than eighteen years of age [and the offender is not a parent of the victim];

(7) false imprisonment, as provided in Section 30-4-3 NMSA 1978, <u>with the intent to inflict a sexual offense</u> when the victim is less than eighteen years of age [and the offender is not a parent of the victim];

<u>(8) human trafficking, as provided in Section 30-52-1 NMSA 1978, for commercial sexual activity when the victim is under sixteen years of age;</u>

[(8)] <u>(9)</u> aggravated indecent exposure, as provided in Section 30-9-14.3 NMSA 1978;

[(9)] <u>(10)</u> enticement of child, as provided in Section 30-9-1 NMSA 1978;

[(10)] <u>(11)</u> incest, as provided in Section 30-10-3 NMSA 1978, when the victim is less than eighteen years of age;

[(11)] <u>(12)</u> child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978;

[(12)] <u>(13)</u> solicitation to commit criminal sexual contact of a minor in the second, third or fourth degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;

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1　or

2　　　　　　　[(13)] (14)　attempt to commit any of the sex

3　offenses set forth in Paragraphs (1) through [(11)] (12) of

4　this subsection, as provided in Section 30-28-1 NMSA 1978."

5　　　　SECTION 2.　EFFECTIVE DATE.--The effective date of the

6　provisions of this act is July 1, 2013.

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