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HOUSE BILL 307

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO SEXUAL OFFENSES; INCREASING THE PENALTIES FOR  
CRIMINAL SEXUAL PENETRATION PERPETRATED AGAINST A CHILD;  
INCREASING THE PENALTIES FOR CRIMINAL SEXUAL CONTACT OF A  
MINOR; AMENDING SECTIONS OF THE SEX OFFENDER REGISTRATION AND  
NOTIFICATION ACT.

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

SECTION 1. Section 30-9-11 NMSA 1978 (being Laws 1975,  
Chapter 109, Section 2, as amended) is amended to read:

"30-9-11. CRIMINAL SEXUAL PENETRATION.--

A. Criminal sexual penetration is the unlawful and  
intentional:

(1) causing of a person to engage in sexual  
intercourse, cunnilingus, fellatio or anal intercourse; or

(2) the causing of penetration, to any extent

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1 and with any object, of the genital or anal openings of  
2 another, whether or not there is any emission.

3 B. Criminal sexual penetration does not include  
4 medically indicated procedures.

5 C. Aggravated criminal sexual penetration consists  
6 of all criminal sexual penetration perpetrated on a child  
7 under thirteen years of age with an intent to kill or with a  
8 depraved mind regardless of human life. Whoever commits  
9 aggravated criminal sexual penetration is guilty of a first  
10 degree felony for aggravated criminal sexual penetration.

11 D. Criminal sexual penetration in the first degree  
12 consists of all criminal sexual penetration perpetrated:

13 (1) on a child under thirteen years of age;

14 [~~or~~]

15 (2) on a child thirteen to eighteen years of  
16 age:

17 (a) by the use of force or coercion;

18 (b) when the perpetrator is in a  
19 position of authority over the child; or

20 (c) when the perpetrator is armed with  
21 a deadly weapon; or

22 [~~(2)~~] (3) by the use of force or coercion  
23 that results in great bodily harm or great mental anguish to  
24 the victim.

25 Whoever commits criminal sexual penetration in the first

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1 degree is guilty of a first degree felony. Whoever commits  
2 criminal sexual penetration in the first degree when the  
3 victim is a child under eighteen years of age, notwithstanding  
4 the provisions of Section 31-18-15 NMSA 1978, shall be  
5 sentenced to a minimum term of imprisonment of eighteen years,  
6 which shall not be suspended or deferred. The imposition of a  
7 minimum, mandatory term of imprisonment provided in this  
8 subsection shall not be interpreted to preclude the imposition  
9 of sentencing enhancements pursuant to the Criminal Sentencing  
10 Act.

11 E. Criminal sexual penetration in the second  
12 degree consists of all criminal sexual penetration  
13 perpetrated:

14 (1) [~~by the use of force or coercion~~] on a  
15 child thirteen to eighteen years of age not otherwise  
16 specified in this section;

17 (2) on an inmate confined in a correctional  
18 facility or jail when the perpetrator is in a position of  
19 authority over the inmate;

20 (3) by the use of force or coercion that  
21 results in personal injury to the victim;

22 (4) by the use of force or coercion when the  
23 perpetrator is aided or abetted by one or more persons;

24 (5) in the commission of any other felony;

25 or

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1 (6) when the perpetrator is armed with a  
2 deadly weapon.

3 Whoever commits criminal sexual penetration in the  
4 second degree is guilty of a second degree felony. Whoever  
5 commits criminal sexual penetration in the second degree when  
6 the victim is a child who is thirteen to eighteen years of age  
7 is guilty of a second degree felony for a sexual offense  
8 against a child and, notwithstanding the provisions of Section  
9 31-18-15 NMSA 1978, shall be sentenced to a minimum term of  
10 imprisonment of [~~three~~] fifteen years, which shall not be  
11 suspended or deferred. The imposition of a minimum, mandatory  
12 term of imprisonment pursuant to the provisions of this  
13 subsection shall not be interpreted to preclude the imposition  
14 of sentencing enhancements pursuant to the provisions of the  
15 Criminal Sentencing Act.

16 F. Criminal sexual penetration in the third degree  
17 consists of all criminal sexual penetration:

18 (1) perpetrated through the use of force or  
19 coercion not otherwise specified in this section;

20 [~~Whoever commits criminal sexual penetration in the~~  
21 ~~third degree is guilty of a third degree felony.~~

22 G. ~~Criminal sexual penetration in the fourth~~  
23 ~~degree consists of all criminal sexual penetration:~~

24 (~~1~~) (2) not defined in [~~Subsections~~]  
25 Subsection D [~~through F~~] or E of this section perpetrated on a

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1 child thirteen to sixteen years of age when the perpetrator is  
2 at least eighteen years of age and is at least four years  
3 older than the child and not the spouse of that child; or

4 [~~(2)~~] (3) perpetrated on a child thirteen to  
5 eighteen years of age when the perpetrator, who is a licensed  
6 school employee, an unlicensed school employee, a school  
7 contract employee, a school health service provider or a  
8 school volunteer, and who is at least eighteen years of age  
9 and is at least four years older than the child and not the  
10 spouse of that child, learns while performing services in or  
11 for a school that the child is a student in a school.

12 Whoever commits criminal sexual penetration in the  
13 [~~fourth~~] third degree as provided in Paragraph (1) of this  
14 subsection is guilty of a [~~fourth~~] third degree felony.  
15 Whoever commits criminal sexual penetration in the third  
16 degree as provided in Paragraph (2) or (3) of this subsection  
17 is guilty of a third degree felony for a sexual offense  
18 against a child and, notwithstanding the provisions of Section  
19 31-18-15 NMSA 1978, shall be sentenced to a minimum term of  
20 imprisonment of six years, which shall not be suspended or  
21 deferred. The imposition of a minimum, mandatory term of  
22 imprisonment provided in this subsection shall not be  
23 interpreted to preclude the imposition of sentencing  
24 enhancements pursuant to the Criminal Sentencing Act."

25 SECTION 2. Section 30-9-13 NMSA 1978 (being Laws 1975,

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1 Chapter 109, Section 4, as amended) is amended to read:

2 "30-9-13. CRIMINAL SEXUAL CONTACT OF A MINOR.--

3 A. Criminal sexual contact of a minor is the  
4 unlawful and intentional touching of or applying force to the  
5 intimate parts of a minor or the unlawful and intentional  
6 causing of a minor to touch one's intimate parts. For the  
7 purposes of this section, "intimate parts" means the primary  
8 genital area, groin, buttocks, anus or breast.

9 B. Criminal sexual contact of a minor in the  
10 [~~second~~] first degree consists of all criminal sexual contact:

11 (1) of the unclothed intimate parts of a  
12 minor perpetrated [~~(1)~~] on a child under thirteen years of  
13 age; or

14 (2) perpetrated on a child [~~thirteen to~~]  
15 under eighteen years of age when:

16 (a) the perpetrator is in a position of  
17 authority over the child and uses that authority to coerce the  
18 child to submit;

19 (b) the perpetrator uses force or  
20 coercion that results in personal injury to the child;

21 (c) the perpetrator uses force or  
22 coercion and is aided or abetted by one or more persons; or

23 (d) the perpetrator is armed with a  
24 deadly weapon.

25 Whoever commits criminal sexual contact of a minor in

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1 the ~~[second]~~ first degree is guilty of a ~~[second]~~ first degree  
2 felony ~~[for a sexual offense against a child]~~ and,  
3 notwithstanding the provisions of Section 31-18-15 NMSA 1978,  
4 shall be sentenced to a minimum term of imprisonment of  
5 ~~[three]~~ eighteen years, which shall not be suspended or  
6 deferred. The imposition of a minimum, mandatory term of  
7 imprisonment pursuant to the provisions of this subsection  
8 shall not be interpreted to preclude the imposition of  
9 sentencing enhancements pursuant to the provisions of  
10 ~~[Sections]~~ Section 31-18-17, 31-18-25 ~~[and]~~ or 31-18-26 NMSA  
11 1978.

12 C. Criminal sexual contact of a minor in the  
13 ~~[third]~~ second degree consists of all criminal sexual contact  
14 of a minor perpetrated ~~[(1)]~~ on a child under thirteen years  
15 of age ~~[or~~

16 ~~(2) on a child thirteen to eighteen years of~~  
17 ~~age when:~~

18 ~~(a) the perpetrator is in a position of~~  
19 ~~authority over the child and uses this authority to coerce the~~  
20 ~~child to submit;~~

21 ~~(b) the perpetrator uses force or~~  
22 ~~coercion which results in personal injury to the child;~~

23 ~~(c) the perpetrator uses force or~~  
24 ~~coercion and is aided or abetted by one or more persons; or~~

25 ~~(d) the perpetrator is armed with a~~

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1 ~~deadly weapon~~].

2           Whoever commits criminal sexual contact of a minor in  
3 the [~~third~~] second degree is guilty of a [~~third~~] second degree  
4 felony for a sexual offense against a child and,  
5 notwithstanding the provisions of Section 31-18-15 NMSA 1978,  
6 shall be sentenced to a minimum term of imprisonment of  
7 fifteen years, which shall not be suspended or deferred. The  
8 imposition of a minimum, mandatory term of imprisonment  
9 pursuant to the provisions of this subsection shall not be  
10 interpreted to preclude the imposition of sentencing  
11 enhancements pursuant to the provisions of Section 31-18-17,  
12 31-18-25 or 31-18-26 NMSA 1978.

13           D. Criminal sexual contact of a minor in the  
14 [~~fourth~~] third degree consists of all criminal sexual contact

15                           ~~[(1) not defined in Subsection C of this~~  
16 ~~section, of a child thirteen to eighteen years of age~~  
17 ~~perpetrated with force or coercion; or~~

18                           (2)] of a minor perpetrated on a child  
19 thirteen to eighteen years of age when the perpetrator, who is  
20 a licensed school employee, an unlicensed school employee, a  
21 school contract employee, a school health service provider or  
22 a school volunteer, and who is at least eighteen years of age  
23 and is at least four years older than the child and not the  
24 spouse of that child, learns while performing services in or  
25 for a school that the child is a student in a school.

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1           Whoever commits criminal sexual contact in the [~~fourth~~]  
2 third degree is guilty of a [~~fourth~~] third degree felony for a  
3 sexual offense against a child and, notwithstanding the  
4 provisions of Section 31-18-15 NMSA 1978, shall be sentenced  
5 to a minimum term of imprisonment of six years, which shall  
6 not be suspended or deferred. The imposition of a minimum,  
7 mandatory term of imprisonment provided in this subsection  
8 shall not be interpreted to preclude the imposition of  
9 sentencing enhancements pursuant to the Criminal Sentencing  
10 Act."

11           **SECTION 3.** Section 31-18-25 NMSA 1978 (being Laws 1996,  
12 Chapter 79, Section 1, as amended) is amended to read:

13           "31-18-25. TWO VIOLENT SEXUAL OFFENSE CONVICTIONS--  
14 MANDATORY LIFE IMPRISONMENT--EXCEPTION.--

15           A. When a defendant is convicted of a second  
16 violent sexual offense, and each violent sexual offense  
17 conviction is part of a separate transaction or occurrence,  
18 and at least the second violent sexual offense conviction is  
19 in New Mexico, the defendant shall, in addition to the  
20 punishment imposed for the second violent sexual offense  
21 conviction, be punished by a sentence of life imprisonment.  
22 The life imprisonment sentence shall be subject to parole  
23 pursuant to the provisions of Section 31-21-10 NMSA 1978.

24           B. Notwithstanding the provisions of Subsection A  
25 of this section, when a defendant is convicted of a second

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1 violent sexual offense, and each violent sexual offense  
2 conviction is part of a separate transaction or occurrence,  
3 and the victim of each violent sexual offense was less than  
4 thirteen years of age at the time of the offense, and at least  
5 the second violent sexual offense conviction is in New Mexico,  
6 the defendant shall be punished by a sentence of life  
7 imprisonment without the possibility of parole.

8 C. The sentence of life imprisonment shall be  
9 imposed after a sentencing hearing, separate from the trial or  
10 guilty plea proceeding resulting in the second violent sexual  
11 offense conviction, pursuant to the provisions of Section  
12 31-18-26 NMSA 1978.

13 D. For the purposes of this section, a violent  
14 sexual offense conviction incurred by a defendant before the  
15 defendant reaches the age of eighteen shall not count as a  
16 violent sexual offense conviction.

17 E. When a defendant has a felony conviction from  
18 another state, the felony conviction shall be considered a  
19 violent sexual offense for the purposes of the Criminal  
20 Sentencing Act if the crime would be considered a violent  
21 sexual offense in New Mexico.

22 F. As used in the Criminal Sentencing Act,  
23 "violent sexual offense" means:

24 (1) criminal sexual penetration in the first  
25 degree, as provided in Subsection D of Section 30-9-11 NMSA

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1 1978; or

2 (2) criminal sexual penetration in the  
3 second degree or criminal sexual penetration in the second  
4 degree when the victim is a child who is thirteen to eighteen  
5 years of age, as provided in Subsection E of Section 30-9-11  
6 NMSA 1978."

7 SECTION 4. Section 29-11A-3 NMSA 1978 (being Laws 1995,  
8 Chapter 106, Section 3, as amended) is amended to read:

9 "29-11A-3. DEFINITIONS.--As used in the Sex Offender  
10 Registration and Notification Act:

11 A. "business day" means a day that is not a  
12 Saturday, a Sunday or a state holiday;

13 B. "conviction" means a conviction in any court of  
14 competent jurisdiction and includes a deferred sentence, but  
15 does not include a conditional discharge;

16 C. "department" means the department of public  
17 safety;

18 D. "habitually lives" means any place where a sex  
19 offender lives for at least thirty days in any three-hundred-  
20 sixty-five-day period;

21 [~~D.~~] E. "institution of higher education" means a:

22 (1) private or public post-secondary  
23 educational institution;

24 (2) trade school; or

25 (3) professional school;

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1                   ~~[E. "habitually lives" means any place where a sex~~  
2 ~~offender lives for at least thirty days in any three-hundred-~~  
3 ~~sixty-five-day period;]~~

4                   F. "out-of-state registrant" means any person who  
5 establishes a residence in New Mexico while the person is  
6 required to register as a sex offender in another state or  
7 territory;

8                   G. "registration requirement" means any  
9 requirement set forth in Section 29-11A-4 NMSA 1978 that  
10 requires a sex offender to register; provide information,  
11 including a DNA sample; renew, revise or change registration  
12 information; or provide written notice or disclosure regarding  
13 the sex offender's status as a sex offender;

14                   H. "sex offender" means a person who:

15                               (1) is a resident of New Mexico who is  
16 convicted of a sex offense pursuant to state, federal, tribal  
17 or military law;

18                               (2) changes residence to New Mexico, when  
19 that person has been convicted of a sex offense pursuant to  
20 state, federal, tribal or military law;

21                               (3) does not have an established residence  
22 in New Mexico, but lives in a shelter, halfway house or  
23 transitional living facility or stays in multiple locations in  
24 New Mexico and who has been convicted of a sex offense  
25 pursuant to state, federal, tribal or military law; or

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1 (4) is a resident of another state and who  
2 has been convicted of a sex offense pursuant to state,  
3 federal, 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-  
11 time basis in a private or public school or an institution of  
12 higher education in New Mexico;

13 I. "sex offense" means any of the following  
14 offenses or their equivalents in any other jurisdiction:

15 (1) aggravated criminal sexual penetration  
16 or criminal sexual penetration in the first, second or third  
17 [~~or 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  
21 the first, second or third [~~or fourth~~] degree, as provided in  
22 Section 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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1 prostitution, as provided in Section 30-6A-4 NMSA 1978;

2 (6) kidnapping, as provided in Section  
3 30-4-1 NMSA 1978, when committed with the intent to inflict a  
4 sexual offense;

5 (7) false imprisonment, as provided in  
6 Section 30-4-3 NMSA 1978, when committed with the intent to  
7 inflict a sexual offense;

8 (8) aggravated indecent exposure, as  
9 provided in Section 30-9-14.3 NMSA 1978;

10 (9) enticement of child, as provided in  
11 Section 30-9-1 NMSA 1978;

12 (10) incest, as provided in Section 30-10-3  
13 NMSA 1978, when the victim is younger than eighteen years of  
14 age;

15 (11) child solicitation by electronic  
16 communication device, as provided in Section 30-37-3.2 NMSA  
17 1978, for convictions occurring on or after July 1, 2013;

18 (12) solicitation to commit criminal sexual  
19 contact of a minor in the first, second or third [~~or fourth~~]  
20 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;  
21 or

22 (13) attempt to commit any of the sex  
23 offenses set forth in Paragraphs (1) through (11) of this  
24 subsection, as provided in Section 30-28-1 NMSA 1978; and

25 J. "social networking site" means an internet [~~web~~

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1 site] website that facilitates online social interaction by  
2 offering a mechanism for communication with other users, where  
3 such users are likely to include a substantial number of  
4 minors under the age of sixteen, and allowing users, through  
5 the creation of web pages, profiles or other means, to provide  
6 information about themselves that is available to the public  
7 or to other users."

8 SECTION 5. Section 29-11A-5 NMSA 1978 (being Laws 1995,  
9 Chapter 106, Section 5, as amended by Laws 2007, Chapter 68,  
10 Section 2 and by Laws 2007, Chapter 69, Section 6) is amended  
11 to read:

12 "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--  
13 ADMINISTRATION BY DEPARTMENT OF PUBLIC SAFETY--PARTICIPATION  
14 IN THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

15 A. A county sheriff shall maintain a local  
16 registry of sex offenders in the sheriff's jurisdiction  
17 required to register pursuant to the provisions of the Sex  
18 Offender Registration and Notification Act.

19 B. The county sheriff shall forward:

20 (1) registration information obtained from  
21 sex offenders to the department of public safety. The initial  
22 registration information and any new registration information  
23 subsequently obtained from a sex offender shall be forwarded  
24 by the county sheriff no later than ten working days after the  
25 information is obtained from a sex offender. If the

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1 department of public safety receives information regarding a  
2 sex offender from a governmental entity other than a county  
3 sheriff, the department shall send that information to the  
4 sheriff for the county in which the sex offender resides; and

5 (2) samples of DNA obtained from sex  
6 offenders to the administrative center for the sex offender  
7 DNA identification system pursuant to the provisions of the  
8 DNA Identification Act.

9 C. The department of public safety shall maintain  
10 a central registry of sex offenders required to register  
11 pursuant to the provisions of the Sex Offender Registration  
12 and Notification Act. The department shall participate in the  
13 national sex offender registry administered by the United  
14 States department of justice. The department shall send  
15 conviction information and fingerprints for all sex offenders  
16 registered in New Mexico to the national sex offender registry  
17 administered by the United States department of justice and to  
18 the federal bureau of investigation.

19 D. The department of public safety shall retain  
20 registration information regarding a sex offender convicted  
21 for any of the following sex offenses for the entirety of the  
22 sex offender's natural life:

23 (1) aggravated criminal sexual penetration  
24 or criminal sexual penetration in the first, second or third  
25 degree, as provided in Section 30-9-11 NMSA 1978;

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1 (2) criminal sexual contact of a minor in  
2 the first, second or third [~~or fourth~~] degree, as provided in  
3 Section 30-9-13 NMSA 1978;

4 (3) sexual exploitation of children, as  
5 provided in Section 30-6A-3 NMSA 1978;

6 (4) kidnapping, as provided in Section  
7 30-4-1 NMSA 1978, when the victim is less than eighteen years  
8 of age and the offender is not a parent of the victim;

9 (5) criminal sexual contact in the fourth  
10 degree, as provided in Section 30-9-12 NMSA 1978; or

11 (6) attempt to commit any of the sex  
12 offenses set forth in Paragraphs (1) through (5) of this  
13 subsection, as provided in Section 30-28-1 NMSA 1978.

14 E. The department of public safety shall retain  
15 registration information regarding a sex offender convicted  
16 for the following offenses for a period of ten years following  
17 the sex offender's conviction, release from prison or release  
18 from probation or parole, whichever occurs later:

19 [~~(1) criminal sexual penetration in the~~  
20 ~~fourth degree, as provided in Section 30-9-11 NMSA 1978;~~

21 ~~(2)]~~ (1) sexual exploitation of children by  
22 prostitution, as provided in Section 30-6A-4 NMSA 1978;

23 [~~(3)]~~ (2) false imprisonment, as provided in  
24 Section 30-4-3 NMSA 1978, when the victim is less than  
25 eighteen years of age and the offender is not a parent of the

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1 victim;

2 [~~(4)~~] (3) aggravated indecent exposure, as  
3 provided in Section 30-9-14.3 NMSA 1978;

4 [~~(5)~~] (4) enticement of child, as provided  
5 in Section 30-9-1 NMSA 1978;

6 [~~(6)~~] (5) incest, as provided in Section  
7 30-10-3 NMSA 1978, when the victim is less than eighteen years  
8 of age;

9 [~~(7)~~] (6) solicitation to commit criminal  
10 sexual contact of a minor in the first, second or third [~~or~~  
11 ~~fourth~~] degree, as provided in Sections 30-9-13 and 30-28-3  
12 NMSA 1978;

13 [~~(8)~~] (7) child solicitation by electronic  
14 communication device, as provided in Section 30-37-3.2 NMSA  
15 1978; or

16 [~~(9)~~] (8) attempt to commit any of the sex  
17 offenses set forth in Paragraphs (1) through [~~(6)~~] (5) of this  
18 subsection, as provided in Section 30-28-1 NMSA 1978.

19 F. Notwithstanding the provisions of Subsection E  
20 of this section, if a sex offender is convicted a second or  
21 subsequent time for a sex offense set forth in that  
22 subsection, the department of public safety shall retain  
23 information regarding the sex offender for the entirety of the  
24 sex offender's natural life.

25 G. The department of public safety shall adopt

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1 rules necessary to carry out the provisions of the Sex  
2 Offender Registration and Notification Act. Rules necessary  
3 for the collection of DNA samples and the administration and  
4 operation of the sex offender DNA identification system shall  
5 be adopted by the DNA identification system oversight  
6 committee pursuant to the provisions of the DNA Identification  
7 Act."

8 SECTION 6. Section 29-11A-5.1 NMSA 1978 (being Laws  
9 1999, Chapter 19, Section 8, as amended) is amended to read:

10 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
11 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY  
12 NOTIFICATION--INTERNET [~~WEB SITE~~] WEBSITE.--

13 A. If a sex offender is convicted of one of the  
14 following sex offenses, the county sheriff shall forward  
15 registration information obtained from the sex offender to the  
16 district attorney for the judicial district in which the sex  
17 offender resides and, if the sex offender is a resident of a  
18 municipality, the chief law enforcement officer for the  
19 municipality in which the sex offender resides:

20 (1) aggravated criminal sexual penetration  
21 or criminal sexual penetration in the first, second or third  
22 degree, as provided in Section 30-9-11 NMSA 1978;

23 (2) criminal sexual contact of a minor in  
24 the first, second or third [~~or fourth~~] degree, as provided in  
25 Section 30-9-13 NMSA 1978;

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1 (3) sexual exploitation of children, as  
2 provided in Section 30-6A-3 NMSA 1978;

3 (4) sexual exploitation of children by  
4 prostitution, as provided in Section 30-6A-4 NMSA 1978; or

5 (5) attempt to commit any of the sex  
6 offenses set forth in Paragraphs (1) through (4) of this  
7 subsection, as provided in Section 30-28-1 NMSA 1978.

8 B. A person who wants to obtain registration  
9 information regarding sex offenders described in Subsection A  
10 of this section may request that information from the:

11 (1) sheriff for the county in which the sex  
12 offenders reside;

13 (2) chief law enforcement officer for the  
14 municipality in which the sex offenders reside;

15 (3) district attorney for the judicial  
16 district in which the sex offenders reside; or

17 (4) secretary of public safety.

18 C. Upon receiving a request for registration  
19 information regarding sex offenders described in Subsection A  
20 of this section, the county sheriff, chief municipal law  
21 enforcement officer, district attorney or secretary of public  
22 safety shall provide that registration information, with the  
23 exception of a sex offender's social security number and DNA  
24 information, within a reasonable period of time, and no later  
25 than seven days after receiving the request.

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1           D. Within seven days of receiving registration  
2 information from a sex offender described in Subsection A of  
3 this section, the county sheriff shall contact every licensed  
4 daycare center, elementary school, middle school and high  
5 school within a [~~one-mile~~] five-mile radius of the sex  
6 offender's residence and provide them with the sex offender's  
7 registration information, with the exception of the sex  
8 offender's social security number and DNA information.

9           E. The department shall establish and manage an  
10 internet [~~web-site~~] website that provides the public with  
11 registration information regarding sex offenders described in  
12 Subsection A of this section, except that the department shall  
13 not provide registration information on the internet [~~web~~  
14 ~~site~~] website regarding a sex offender who was less than  
15 eighteen years of age when the sex offender committed the sex  
16 offense for which the sex offender was convicted as a youthful  
17 offender, as provided in Section 32A-2-3 NMSA 1978, unless at  
18 the time of sentencing, the court made a finding that the sex  
19 offender is not amenable to treatment and is a danger to the  
20 community. The registration information provided to the  
21 public pursuant to this subsection shall not include a sex  
22 offender's social security number or DNA information or the  
23 identity of a sex offender's place of employment, unless the  
24 sex offender's employment requires the sex offender to have  
25 direct contact with children. The internet [~~web-site~~] website

.212219.2

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

1 shall provide only the following registration information:

2 (1) the sex offender's legal name and any  
3 other names or aliases that the sex offender is using or has  
4 used;

5 (2) the sex offender's current address and  
6 the address of every place where the sex offender habitually  
7 lives;

8 (3) if the sex offender's employment  
9 involves direct contact with children, the sex offender's  
10 place of employment;

11 (4) the sex offenses for which the sex  
12 offender has been convicted;

13 (5) a photograph of the sex offender;

14 (6) the sex offender's date of birth;

15 (7) a physical description, including a  
16 description of any tattoos, scars or other distinguishing  
17 features on the sex offender's body that would assist in  
18 identifying the sex offender; and

19 (8) a link that will pinpoint the location  
20 of the sex offender's place of employment if the sex offender  
21 has direct contact with children."

22 SECTION 7. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2019.