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FISCAL IMPACT REPORT

SPONSOR SFC DATE TYPED 3/17/05 HB _____

SHORT TITLE Public Peace, Health, Safety and Welfare SB 1119/SFCS

Definitions for Sex Offender and Sex Offense ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to the Sex Offender Registration and Notification Act; HB 165/HJCS and HB 1001; SB 55

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Finance Committee Substitute for Senate Bill 1119 amends the Sex Offender Registration and Notification Act (Section 29-11A NMSA 1978), making revisions to definitions, and requiring additional registration information from registered sex offenders.

The bill contains an emergency clause

Section 1: Relates to the purpose of the Act and makes it a requirement for sex offenders who are residents in another state who visit New Mexico for more than twenty-four hours to register with the sheriff of the county in which the sex offender is visiting.

Section 2: Relates to the definitions as used in the Act:

- adds a visitor from another state who has been convicted of a sex offense and who is visiting New Mexico for more than a twenty-four hour period to the definition of a “sex offender”;
- adds aggravated indecent exposure, as provided in Section 30-9-14.3 NMSA 1978 to the definition of a “sex offense”; and
- adds enticement of a child, as provided in section 30-9-1 NMSA 1978 to the definition of

a “sex offense.”

Section 3: Relates to the registration of sex offenders—information required—criminal penalty for noncompliance:

- changes the period in which a sex offender who is a resident to New Mexico has to register with the county sheriff from ten days after being released from custody from ten days to twenty-four hours;
- changes the period in which a sex offender who changes moves to New Mexico from another state from ten days to twenty-four hours;
- requires that, upon registration, a sex offender provide the addresses of all residences the sex offender owns, specifying which address is the sex offender’s primary residence, and the sex offender’s motor vehicle registration information with a description of all motor vehicles owned and to be used while working, attending school, or visiting the state;
- requires that, upon registration, the sheriff obtain a DNA sample from the sex offender;
- requires registered sex offenders to submit the sheriff written notice of a change of address within the county prior to establishing a new residence, rather than no later than ten days after;
- requires registered sex offenders who are moving to a new residence in a new county in New Mexico to register, providing proof of new residence, in the new county within twenty-four hours rather than within ten days;
- requires registered sex offenders to renew registration every ninety days following initial registration for a period of twenty years, rather than annually.

Section 4: Relates to procedures when a sex offender moves from New Mexico to another state:

- requires that the sex offender’s written notice of move to another state to the New Mexico county sheriff in which the sex offender resides include the new address of the residence to which the sex offender is moving;
- provides that a sex offender who willfully fails to comply with the requirements set forth in the procedures for moving from New Mexico to another state is guilty of a fourth degree felony, rather than a misdemeanor, an offense punishable by a definite term of one year imprisonment and/or up to a one thousand dollar fine.

Section 5: Relates to local registry—central registry—administration by Department of Public Safety—participation in the national sex offender registry—rules:

- adds aggravated indecent exposure and enticement of a child to the offenses which sex offenders are convicted of for the purposes of DPS’s retention of sex offender registration information.

Section 6: Relates to public access to information regarding certain registered sex offenders—active community notification—Internet web site:

- adds criminal sexual penetration in third degree as provided in Section 30-9-11 NMSA 1978 to the sex offenses for which the county sheriff is to forward registration information obtained from the sex offender to the appropriate district attorney and chief law enforcement officer. Existing statute provides only for criminal sexual penetration in the first and second degrees.
- Requires, rather than allows, that DPS establish and manage an Internet web site that provides public with registration information regarding sex offenders.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Judiciary Committee Substitute for House Bill 165 provides for a number of additional registration requirements, many of which are not addressed in this bill and furthermore expands the Act's jurisdiction to include individuals convicted of a sex offence pursuant to tribal law.

House Bill 1001 requires a registering sex offender to provide the county sheriff with a DNA sample pursuant to the provisions of the DNA Identification Act, whether that offender is a resident of New Mexico or a resident of another state who is employed in or attending school in New Mexico.

Senate Bill 55 provides for many of the same new requirements included in this bill and furthermore eliminates the requirement that sex offenders be at least eighteen years of age so that juvenile offenders convicted of any of the enumerated sex offenses are required to register.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If this bill is not enacted, the Sex Offender Registration and Notification Act will not be amended to provide for additional sex offender registration requirements that enhance the public's awareness of sex offender's in their communities.

DXM/rs:lg