

A MEMORIAL

REQUESTING THE NEW MEXICO SENTENCING COMMISSION TO STUDY THE FEASIBILITY AND APPROPRIATENESS OF INCLUDING THE CRIME OF AGGRAVATED STALKING WHEN THE VICTIM IS LESS THAN SIXTEEN YEARS OF AGE AS A SEX OFFENSE FOR PURPOSES OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT.

WHEREAS, one of the purposes of the Sex Offender Registration and Notification Act is to assist law enforcement agencies to protect their communities; and

WHEREAS, the Sex Offender Registration and Notification Act recognizes that the crimes of kidnapping and false imprisonment when the victim is a minor by a person other than a parent of the victim, whether or not there is a sexual motive, have a negative impact on the well-being of the minor victim, similar to that of a sex offense; therefore, the act requires a person convicted of kidnapping or false imprisonment to register as a sex offender; and

WHEREAS, the crime of aggravated stalking when the victim is less than sixteen years old can have, like the crimes of kidnapping or false imprisonment, a negative impact on the well-being of the minor victim, similar to that of a sex offense; and

WHEREAS, besides having a negative impact on the victim that is similar to that of a sex offense, the intention

behind the crime of aggravated stalking is often the commission of a sex offense;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico sentencing commission be requested to study the feasibility and appropriateness of including as a sex offense, subject to the Sex Offender Registration and Notification Act, the crime of aggravated stalking when the victim is less than sixteen years of age; and

BE IT FURTHER RESOLVED that the New Mexico sentencing commission report its findings and conclusions, and proposed legislation if appropriate, to the appropriate interim legislative committee dealing with corrections by October 1, 2007; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico sentencing commission and to the New Mexico legislative council.