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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/18/07

SPONSOR Foley LAST UPDATED \_\_\_\_\_ HB 1299

SHORT TITLE Sex Offender Registration Act Definitions SB \_\_\_\_\_

ANALYST Peery-Galon

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates Senate Bill 1016 Sex Offender Act Definitions

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Defender Department (PDD)  
 Department of Public Safety (DPS)  
 Administrative Office of the District Attorneys (AODA)  
 New Mexico Sentencing Commission (NMSC)

#### No Response Received From

Administrative Office of the Courts

### SUMMARY

#### Synopsis of Bill

House Bill 1299 amends Section 29-11A-3 NMSA the Sex Offender Registration Notification Act to clarify that a sex offender is one who is a resident of New Mexico convicted of a sex offense pursuant to state, federal tribal or military law, and requires that equivalent sex offenses committed in other jurisdictions be included in the definition of a sex offense.

### FISCAL IMPLICATIONS

AODA states more cases may qualify in which individuals need to register. This may increase the budgetary needs of the district attorneys and the resources needed to prosecute these cases.

**SIGNIFICANT ISSUES**

DPS reports what may constitute as a sex offense in another jurisdiction may not meet the elements of the same or similar offense under New Mexico law. Also, what act(s) may constitute as a sex offense in another jurisdiction may not exist under New Mexico law. Currently, a person within the borders of the state of New Mexico and convicted of a sex offense under the laws of any jurisdiction must register pursuant to the Sex Offender Registration and Notification Act.

**ADMINISTRATIVE IMPLICATIONS**

AODA states it may need more resources to prosecute sex offense cases.

DPS states under the new definition, more offenders will be required to register but the increase should not present significant issues in terms of the department accommodating the change.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The proposed legislation is a duplication of Senate Bill 1016 titled the “Sex Offender Act Definitions.”

**TECHNICAL ISSUES**

AODA notes it will need to be determined what offense equivalents are in other jurisdictions.

**OTHER SUBSTANTIVE ISSUES**

Section 9-3-10 NMSA 1978 created the sex offender management board within the New Mexico Sentencing Commission. The mission of the sex offender management board is to develop and recommend best practices in the management and treatment of both adult and juvenile sex offenders for the protection and prevention of current and future victims. The Sex Offender Registration and Notification Act provides for the identification and monitoring of convicted sex offenders in New Mexico communities. The sex offender management board monitors changes in federal law and recommends amendments as necessary to ensure that New Mexico remains in compliance.

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