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FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/07
 LAST UPDATED 3/8/07

SPONSOR Carraro HB

SHORT TITLE Sex Offender Definitions & Registration SB 450/aSJC

ANALYST Wilson

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	Various County Funds

(Parenthesis () Indicate Expenditure Decreases)

Relates to relates to HB 476, SB 464 and SB 439.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Corrections Department (CD)
 Public Education Department (PED)
 Sentencing Commission (SC)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment changes the required time for a sex offender to register with the local sheriff from 24 hours to 72 hours. This applies to all the situations listed in the bill.

Synopsis of Original Bill

Senate Bill 450 requires the registration of out-of-state sex offenders who visit New Mexico for more than twenty-four hours. Currently sex offenders have ten days to register. If this bill passes this time period will be reduced to twenty-four hours. In addition to other registration information required by the act, the bill will also require sex offenders to provide information concerning all residences owned by the offender and all motor vehicle and registration information for all motor vehicles owned in full or part or that may be used by the sex offender.

At the time of registration sex offenders will also be required to provide a DNA sample. Registered sex offenders who move to a new county will be required to register with the sheriff in the new county within 24 hours and to provide proof of the new residence as well.

The bill requires that registered offenders renew their registration with the county sheriff once every 90 days for either the entirety of the offenders' natural lives or for twenty years, depending on their underlying sex offense. Currently offenders must register once a year prior to December 31.

The bill amends the local registry provisions of the act to require the department of public safety to retain, for the entirety of the sex offender's natural life, registration information regarding sex offenders who are convicted for specific enumerated sex offenses. It also amends the enumerated sex offenses which require lifetime records retention to include aggravated indecent exposure and enticement of a child. The bill also amends the local registry provisions of the act to require the department of public safety to retain, for twenty years instead of ten years, registration information regarding sex offenders who are convicted for specific enumerated sex offenses.

The bill carries an emergency clause.

FISCAL IMPLICATIONS

If the local sheriffs are required to track down individuals who do not register and to process paperwork every 90 days rather than 365 days, this will require additional resources at the county level.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions as a result of stricter registration requirements. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

This bill will result in a moderate increase in costs to the CD due to an increase in the number of felony convictions for failure to register. It is expected that there will be a fairly large number of new offenders due to the twenty-four hour time limit. The new offenders will significantly increase the number of people incarcerated or on probation.

SIGNIFICANT ISSUES

One state may call a crime rape where as New Mexico calls the same crime Criminal Sexual Penetration. Additionally different states may have different elements for the same crime. This means that offenders required to register in one state may not be required to when they move to New Mexico and vice versa.

It may not be possible for offenders to register with the county sheriff within 24 hours following release from incarceration if the county sheriff's administrative offices (where offenders will register) are closed on weekends or holidays, and the offender is released from incarceration near or on a weekend or holiday. Additionally this bill will force very short stay visitors to register. It is possible that sex offenders driving through the state could be in violation of the twenty-four

hour limit if they stop for the night at a hotel.

All felons are currently required to provide DNA samples that are placed in the DNA index. This minimizes the value of the section in the bill requiring that sex offenders provide a DNA sample.

ADMINISTRATIVE IMPLICATIONS

Local sheriff's departments will have no way of knowing whether or not visitors are in their jurisdictions. If the Sheriff is required to track down individuals who do not register or re-register this could impose on time and resources.

Additionally, having to process paperwork every 90 days rather than 365 days and to track overdue registrants and visitors to the state, will be extremely difficult for sheriff department staff.

There may be an administrative impact on the courts as the result of an increase in caseload or in the amount of time necessary to dispose of cases.

RELATIONSHIP

SB 450 relates to HB 476, SB 464 and SB 439, which all address issues related to sex offenders.

OTHER SUBSTANTIVE ISSUES

A 2006 study investigating the effectiveness of Megan's law in reducing recidivism among convicted sex offenders found that an extensive community notification program has no direct effect on the likelihood of an offender going back to prison.

Findings from a 2002 study of the Kentucky State Police Sex Offender Registry website raise concerns about the abilities of sex offender registries to fulfill their mission of promoting "public safety and awareness." What these results show is that a significant percentage of registered and listed sex offenders do not have sufficient information provided about them to allow the public to note the offender's whereabouts or proximity.

A 2005 review of current evaluations regarding sex offender registration policy points out that many questions still need to be answered, e.g., collection of DNA as a safeguard, vigilantism, deterrence, and recidivism.

POSSIBLE QUESTIONS

The SC provided the following:

- How will the public know a visitor is an offender?
- How will the visitor know they should register?

DW/nt