

1 HOUSE BILL 452

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Yvette Herrell

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9  
10 AN ACT

11 RELATING TO SEX OFFENDERS; CHANGING THE DEFINITION OF SEX  
12 OFFENDER TO INCLUDE SOMEONE HAVING TO REGISTER IN ANY  
13 JURISDICTION AS A SEX OFFENDER; RECONCILING MULTIPLE AMENDMENTS  
14 TO THE SAME SECTION OF LAW IN LAWS 2007.

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

17 SECTION 1. Section 29-11A-3 NMSA 1978 (being Laws 1995,  
18 Chapter 106, Section 3, as amended by Laws 2007, Chapter 68,  
19 Section 1 and by Laws 2007, Chapter 69, Section 5) is amended  
20 to read:

21 "29-11A-3. DEFINITIONS.--As used in the Sex Offender  
22 Registration and Notification Act:

23 A. "conviction" means a conviction in any court of  
24 competent jurisdiction and includes a deferred sentence, but  
25 does not include a conditional discharge;

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underscoring material = new  
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1 B. "institution of higher education" means a:

2 (1) private or public post-secondary  
3 educational institution;

4 (2) trade school; or

5 (3) professional school;

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

12 D. "sex offender" means a person who is convicted  
13 of a sex offense pursuant to state, federal, tribal or military  
14 law, or who is required to register as a sex offender in any  
15 jurisdiction or register pursuant to the law of a foreign  
16 nation about which the United States department of state, in  
17 its country reports on human rights practices, has concluded  
18 the nation has an independent judiciary that generally or  
19 vigorously enforced the right to a fair trial in that nation  
20 during the year in which the conviction occurred, and who:

21 (1) is a resident of New Mexico [~~who is~~  
22 ~~convicted of a sex offense pursuant to state, federal, tribal~~  
23 ~~or military law];~~

24 (2) changes residence to New Mexico [~~when that~~  
25 ~~person has been convicted of a sex offense pursuant to state,~~

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1 ~~federal, tribal or military law];~~

2 (3) does not have an established residence in  
3 New Mexico, but lives in a shelter, halfway house or  
4 transitional living facility or stays in multiple locations in  
5 New Mexico [~~and who has been convicted of a sex offense~~  
6 ~~pursuant to state, federal, tribal or military law];~~ or

7 (4) is a resident of another state [~~and who~~  
8 ~~has been convicted of a sex offense pursuant to state, federal,~~  
9 ~~tribal or military law]~~, but who is:

10 (a) employed full time or part time in  
11 New Mexico for a period of time exceeding fourteen days or for  
12 an aggregate period of time exceeding thirty days during any  
13 calendar year, including any employment or vocation, whether  
14 financially compensated, volunteered or for the purpose of  
15 government or educational benefit; or

16 (b) enrolled on a full-time or part-time  
17 basis in a private or public school or an institution of higher  
18 education in New Mexico; and

19 E. "sex offense" means any of the following  
20 offenses or their equivalents in any other jurisdiction:

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

24 (2) criminal sexual contact in the fourth  
25 degree, as provided in Section 30-9-12 NMSA 1978;

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

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

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

8 (6) kidnapping, as provided in Section  
9 30-4-1 NMSA 1978, when the victim is less than eighteen years  
10 of age and the offender is not a parent of the victim;

11 (7) false imprisonment, as provided in Section  
12 30-4-3 NMSA 1978, when the victim is less than eighteen years  
13 of age and the offender is not a parent of the victim;

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

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

18 (10) incest, as provided in Section 30-10-3  
19 NMSA 1978, when the victim is less than eighteen years of age;

20 (11) child solicitation by electronic  
21 communication device, as provided in Section 30-37-3.2 NMSA  
22 1978;

23 (12) solicitation to commit criminal sexual  
24 contact of a minor in the second, third or fourth degree, as  
25 provided in Sections 30-9-13 and 30-28-3 NMSA 1978; or

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

4 SECTION 2. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2013.

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