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FISCAL IMPACT REPORT

ORIGINAL DATE 02/14/13

SPONSOR Herrell LAST UPDATED _____ HB 451

SHORT TITLE Sex Crimes & Sex Offenders SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Recurring	

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Attorney General’s Office (AGO)
 New Mexico Corrections Department (NMCD)
 New Mexico Sentencing Commission (NMSC)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 451 reconciles multiple amendments to two sections of the Sex Offender Registration and Notification Act: Sections 29-11A-3 NMSA 1978 and 29-11A-5 NMSA 1978.

HB 451 adds the offense of “child solicitation by electronic communication device” to the above mentioned statutes. See:

--Paragraph (11) of Subsection E of Section 29-11A-3 NMSA 1978; and

--Paragraph (8) of Subsection E of Section 29-11A-5 NMSA 1978.

SIGNIFICANT ISSUES

As noted in the title of HB 451, these two statutory sections were amended by Laws 2007, Chapter 68 and Laws 2007, Chapter 69. The bill reconciles those multiple amendments by

expressly including the offense of “child solicitation by electronic communication device” in the NMSA 1978.

The AGO notes the following:

Currently there is an argument that since it is not listed as an enumerated offense, it is not a registerable offense despite the intent of the legislature that passed it originally. It is important that it be codified into law so there is no question that this is indeed a registerable offense. Further all states are to be in compliance with the national SORNA Adam Walsh Act and this will bring NM closer to being in compliance. All states were to be in compliance by 2007. There are many states working toward that goal so that all states are on the same page with sex offenders and there are no “safe haven” states for sex offenders.

NCJ/blm