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FISCAL IMPACT REPORT

ORIGINAL DATE 02/14/13

SPONSOR Herrell LAST UPDATED _____ HB 452

SHORT TITLE Sex Offender Registration Definitions 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)
 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 452 (HB 452) amends the definition of "sex offender" to include a person who is required to register as a sex offender in another jurisdiction.

HB 452 also reconciles multiple amendments to a section of the Sex Offender Registration and Notification Act: Section 29-11A-3 NMSA 1978.

HB 452 adds the offense of "child solicitation by electronic communication device" to the above mentioned statute. See: Paragraph (11) of Subsection E of Section 29-11A-3 NMSA 1978.

FISCAL IMPLICATIONS

The bill may require the NMCD to give notice to an additional small group of its offenders in prison or on probation or parole that they now have to register as a sex offender. The NMCD should be able to absorb these minimal new administrative duties at current staffing levels.

SIGNIFICANT ISSUES

HB 452 will cover many prostitution-related offenses considered sex offenses in other jurisdictions.

The elements of sex offenses that require registration in other jurisdictions may not always be a match with the elements of sex offenses that require registration in New Mexico. In those instances, officials at the DPS have to make a determination whether an offender is required to register here when the offender moves to New Mexico. HB 452 proposes a straightforward method for determining whether registration is required.

OTHER SUBSTANTIVE ISSUES

The PDD states:

The “sexual offender” label is already applied quite broadly, and sexual offenders are already highly regulated in New Mexico; it is doubtful that the number of prosecutions will increase so significantly as to impact the operation of the Department as a whole. However, including so many prostitution-related offenses in the statute might cause there to be an increase in prosecutions for registration-related offenses. While the Department would be able to absorb some such cases, any increase in the number of such charges would require concomitant increase in resources to the PDD to as to comply with the constitutional mandates of providing effective assistance of counsel.

NCJ/svb