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HOUSE BILL 795

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

BOBBIE K. MALLORY

AN ACT

RELATING TO REGISTRATION OF SEX OFFENDERS; AMENDING SECTION
29-11A-7 NMSA 1978 (BEING LAWS 1995, CHAPTER 106, SECTION 7).

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

Section 1. Section 29-11A-7 NMSA 1978 (being Laws 1995,
Chapter 106, Section 7) is amended to read:

"29-11A-7. NOTICE TO SEX OFFENDERS OF DUTY TO
REGISTER. --

A. A court shall provide a sex offender adjudicated
guilty in that court with written notice of his duty to register
pursuant to the provisions of the Sex Offender Registration Act.
The written notice shall be included in judgment and sentence
forms provided to the sex offender.

B. The corrections department, [~~at~~] seven days prior
to the time of release of a sex offender in the department's

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1 custody, shall provide written notification to the sex offender
2 of his duty to register pursuant to the provisions of the Sex
3 Offender Registration Act. The corrections department shall
4 also provide written notification regarding a sex offender's
5 release to the sheriff of the county in which the sex offender
6 is released within seven days following the release

7 C. The department of public safety, at the time it
8 is notified by officials from another state that a sex offender
9 will be establishing residence in New Mexico, shall provide
10 written notification to the sex offender of his duty to register
11 pursuant to the provisions of the Sex Offender Registration
12 Act. "

**State of New Mexico
House of Representatives**

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 10, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 795

**has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that**

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL
795**

**DO PASS, and thence referred to the APPROPRIATIONS AND
FINANCE COMMITTEE.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY- THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Rios, Sanchez

Absent: None

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**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 10, 1997

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795

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Rios, Sanchez

Absent: None

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 795

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO REGISTRATION OF SEX OFFENDERS; REQUIRING CERTAIN
DELINQUENT CHILDREN TO REGISTER; AMENDING SECTIONS OF THE SEX
OFFENDER REGISTRATION ACT; PROVIDING PENALTIES.

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

Section 1. Section 29-11A-1 NMSA 1978 (being Laws 1995,
Chapter 106, Section 1) is amended to read:

"29-11A-1. SHORT TITLE. -- [~~This act~~] Chapter 29, Article
11A NMSA 1978 may be cited as the "Sex Offender Registration
Act". "

Section 2. Section 29-11A-2 NMSA 1978 (being Laws 1995,
Chapter 106, Section 2) is amended to read:

"29-11A-2. FINDINGS--PURPOSE. --

A. The legislature finds that:

- (1) sex offenders pose a significant risk of
recidivism; and
- (2) the efforts of law enforcement agencies to
protect their communities from sex offenders are impaired by the

1 lack of information available concerning convicted sex offenders
2 who live within the agencies' ~~jurisdiction~~ jurisdictions.

3 B. The purpose of the Sex Offender Registration Act
4 is to assist law enforcement agencies' efforts to protect their
5 communities by:

6 (1) requiring sex offenders to register with
7 the county sheriff of the county in which the sex offender
8 resides; and

9 (2) requiring the establishment of a central
10 registry for sex offenders. "

11 Section 3. Section 29-11A-3 NMSA 1978 (being Laws 1995,
12 Chapter 106, Section 3) is amended to read:

13 "29-11A-3. DEFINITIONS. --As used in the Sex Offender
14 Registration Act:

15 A. "sex offender" means:

16 (1) a person convicted of a sex offense on or
17 after July 1, 1995; ~~or~~

18 (2) a person who changes his residence to New
19 Mexico, when that person has been convicted of a sex offense in
20 another state on or after July 1, 1995; ~~and~~

21 (3) a delinquent child adjudicated for a sex
22 offense on or after July 1, 1997; or

23 (4) a delinquent child who changes his
24 residence to New Mexico, when that delinquent child has been
25 adjudicated for a sex offense in another state on or after July
1, 1997; and

B. "sex offense" means:

(1) criminal sexual penetration in the first,

1 second, third or fourth degree, as provided in Section 30-9-11
2 NMSA 1978;

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

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

7 (4) sexual exploitation of children, as
8 provided in Subsection A, B or C of Section 30-6A-3 NMSA 1978;
9 or

10 (5) sexual exploitation of children by
11 prostitution, as provided in Section 30-6A-4 NMSA 1978. "

12 Section 4. Section 29-11A-4 NMSA 1978 (being Laws 1995,
Chapter 106, Section 4) is amended to read:

13 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION
14 REQUIRED--CRIMINAL PENALTY FOR NONCOMPLIANCE. --

15 A. A sex offender residing in this state shall
16 register with the county sheriff for the county in which the
17 sex offender resides.

18 B. A sex offender who is a current resident of New
19 Mexico shall register with the county sheriff no later than
20 [~~thirty~~] fourteen days after being released from the custody of
21 the corrections department or the children, youth and families
22 department or being placed on probation or parole. A sex
23 offender who changes his residence to New Mexico shall register
24 with the county sheriff no later than [~~forty-five~~] fourteen
25 days after establishing residence in this state. When a sex
offender registers with the county sheriff, he shall provide

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1 the following information:

2 (1) his legal name and any other names or
3 aliases that [~~the sex offender~~] he is using or has used;

4 (2) his date of birth;

5 (3) his social security number;

6 (4) his current address;

7 (5) his place of employment;

8 (6) the sex offense for which he was
9 convicted or adjudicated delinquent; and

10 (7) the date and place of his sex offense
11 conviction or adjudication.

12 C. When a sex offender registers with a county
13 sheriff, the sheriff shall obtain:

14 (1) a photograph of the sex offender and a
15 complete set of the sex offender's fingerprints; and

16 (2) a description of any tattoos, scars or
17 other distinguishing features on the sex offender's body that
18 would assist in identifying the sex offender.

19 D. When a sex offender who is registered changes
20 his residence within the same county, the sex offender shall
21 send written notice of his change of address to the county
22 sheriff no later than ten days after establishing his new
23 residence.

24 E. When a sex offender who is registered changes
25 his residence to a new county in New Mexico, the sex offender
shall register with the county sheriff of the new county no
later than ten days after establishing his new residence. The
sex offender shall also send written notice of the change in

1 residence to the county sheriff with whom he last registered no
2 later than ten days after establishing his new residence.

3 F. If the sex offender is a delinquent child, as
4 provided in Paragraph (3) or (4) of Subsection A of Section
5 29-11A-3 NMSA 1978, the sex offender's guardian or custodian
6 shall be responsible for complying with the registration
7 requirements set forth in the Sex Offender Registration Act,
8 until the sex offender reaches eighteen years of age. When the
9 sex offender reaches eighteen years of age, he shall be
10 responsible for complying with the registration requirements
11 set forth in the Sex Offender Registration Act.

12 [~~F.~~] G. A sex offender or a sex offender's guardian
13 or custodian who willfully fails to comply with the
14 registration requirements set forth in this section is guilty
15 of a misdemeanor and shall be punished by imprisonment for a
16 definite term less than one year or a fine of not more than one
17 thousand dollars (\$1,000) or both.

18 [~~G.~~] H. A sex offender or a sex offender's guardian
19 or custodian who provides false information when complying with
20 the registration requirements set forth in this section is
21 guilty of a misdemeanor and shall be punished by imprisonment
22 for a definite term less than one year or a fine of not more
23 than one thousand dollars (\$1,000) or both.

24 I. Prior to the release of a sex offender from the
25 corrections department or children, youth and families
department, the department shall provide the sex offender with
a copy of and explain this section pertaining to a sex
offender's duty to register as a sex offender upon reaching the

1 sex offender's county of residence.

2 J. Prior to the release of a sex offender from the
3 corrections department or children, youth and families
4 department, the department shall provide notice to the sheriff
5 of the county in which the sex offender is to establish
6 residence, the identity of the individual to be released and
7 the anticipated release date from the department."

8 Section 5. EFFECTIVE DATE. --The effective date of the
9 provisions of this act is July 1, 1997.

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 13, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 795

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 795

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Buffett, Coll, Heaton, Marquardt, Picraux, Taylor,
J. P., Watchman

Absent: None

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