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FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/09
LAST UPDATED 03/12/09 **HB** 433 & 24/HJCS/aHF1#1
SPONSOR HJC
SHORT TITLE Sex Offender Electronic Name Registration **SB** _____
ANALYST Weber & Hoffmann

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorney (AODA)
 Attorney General (AOG)
 Public Defender Department (PDD)
 Higher Education Department (HED)

SUMMARY

Synopsis of House Floor Amendment #1 to House Bill Substitute for House Bill 433 and 24

On page 2, line 7, after “address,” insert “email address, internet protocol address, network connection physical address, internet provider, screen name,”.

This expands the definition of address.

Synopsis HJC Substitute for House Bill 433 and 24

House Judiciary Committee substitute for House Bills 433 and 24 requires a sex offender to register any electronic identities used by the sex offender, and to notify the county sheriff of any subsequent identities that the sex offender intends to use prior to using them to communicate with others.

The bill makes the editorial change of replacing, in the affected sections of statute, “his” with “sex offender” in reference to a person in New Mexico who is convicted of a sex offense pursuant to state, federal, tribal or military law.

Section 29-11A-3 NMSA 1978 is amended to include a definition of “electronic identity” as “a name, address, moniker or other self-identifier used in internet communications or postings or on other communication devices but does not include passwords...”

Section 29-11A-4 is amended to include every electronic identity established or used by the sex offender as information to be provided to the county sheriff as part of the registration process. This applies to sex offenders who are New Mexico residents and residents of other states who are attending public or private school or an institution of higher education in New Mexico.

Registered sex offenders are required to notify the county sheriff in writing when they intend to use an electronic identity that was not provided to the county sheriff prior to using it to communicate with others over the internet.

The bill amends Section 29-11A-4.1 NMSA 1978 to exclude electronic identities in the information that the county sheriff, chief law enforcement officer for the municipality in which the sex offenders resides, the District Attorney for the judicial district in which the sex offenders reside, or the Secretary of the Department of Public Safety must provide in requests for public information about sex offenders. A sex offender’s electronic identities are also excluded from sex offender information on the Department of Public Safety’s web site of public information on sex offenders. The amendment adds the statement “Registration information not provided to the public shall be used only for law enforcement purposes.”

The bill amends Section 29-11A-7 NMSA 1978 (NOTICE TO SEX OFFENDERS OF DUTY TO REGISTER) to include the need to disclose electronic identities in a court’s written notice informing sex offenders convicted in that court, of their duty to register pursuant to the Sex Offender Registration and Notification Act. This same requirement is also added to the notice that the Corrections Department, a municipal or county jail or a detention center shall provide to a sex offender at the time of the sex offender’s release from custody.

The effective date of the Act is July 1, 2009.

FISCAL IMPLICATIONS

The AOC notes there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. 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.

These increased costs would “trickle up and down” through the system from enforcement costs for local agencies or the Department of Public Safety to potential jail or prison costs.

SIGNIFICANT ISSUES

The respondents did not identify any significant changes.

MW/mt:svb