

HOUSE BILL 199

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

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## AN ACT

RELATING TO SEX OFFENDER REGISTRATION; AMENDING SECTIONS OF THE  
SEX OFFENDER REGISTRATION AND NOTIFICATION ACT TO COMPLY WITH  
FEDERAL LAW.

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

**SECTION 1.** Section 29-11A-2 NMSA 1978 (being Laws 1995, Chapter 106, Section 2, as amended) 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 lack of information available concerning convicted sex offenders who live within the agencies' jurisdictions.

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B. The purpose of the Sex Offender Registration and Notification Act is to comply with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and to assist law enforcement agencies' efforts to protect their communities by:

(1) requiring a sex [offenders] offender who [are residents] is a resident of New Mexico to register with the county sheriff of the county in which the sex offender resides;

(2) requiring a sex [offenders] offender who [are residents] is a resident in [other states] another state, but who [are] is employed in New Mexico or who [attend] attends school in New Mexico, to register with the county sheriff of the county in which the sex offender works or attends school;

(3) requiring the establishment of a central registry for sex offenders; and

(4) providing public access to information regarding certain registered sex offenders."

**SECTION 2.** Section 29-11A-3 NMSA 1978 (being Laws 1995, Chapter 106, Section 3, as amended) is amended to read:

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

A. "business day" means a day that is not a Saturday, a Sunday or a state holiday;

B. "conviction" means a conviction in any court of

1 competent jurisdiction and includes a deferred sentence, but  
2 does not include a conditional discharge;

3           C. "department" means the department of public  
4 safety;

5           [D.] ~~"institution of higher education"~~ means a:  
6           (1) ~~private or public post-secondary~~  
7 ~~educational institution~~;

8           (2) ~~trade school; or~~  
9           (3) ~~professional school~~;

10          E.] D. "habitually lives" means any place where a  
11 sex offender lives for at least thirty days in any three-  
12 hundred-sixty-five-day period;

13          E. "institution of higher education" means a:  
14           (1) private or public post-secondary  
15 educational institution;

16           (2) trade school; or  
17           (3) professional school;

18          F. "juvenile sex offender" means a person fourteen  
19 years of age or older who has been adjudicated delinquent for  
20 committing a sexually violent offense;

21          [F.] G. "out-of-state registrant" means any person  
22 who establishes a residence, is employed or attends school in  
23 New Mexico while the person is required to register as a sex  
24 offender in another state or territory;

25          [G.] H. "registration requirement" means any

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1 requirement set forth in Section 29-11A-4 NMSA 1978 that  
2 requires a sex offender to register; provide information,  
3 including a DNA sample; renew, revise or change registration  
4 information; or provide written notice or disclosure regarding  
5 the sex offender's status as a sex offender;

6 [H.] I. "sex offender" means a person who:

7 (1) is a resident of New Mexico who, on or  
8 after July 1, 1995, is convicted of a sex offense pursuant to  
9 state, federal, tribal or military law and includes a juvenile  
10 sex offender who received an adult sentence pursuant to Section  
11 32A-2-20 NMSA 1978;

12 (2) changes residence to New Mexico, when that  
13 person has been convicted of a sex offense pursuant to state,  
14 federal, tribal or military law;

15 (3) does not have an established residence in  
16 New Mexico, but lives in a shelter, halfway house or  
17 transitional living facility or stays in multiple locations in  
18 New Mexico and who has been convicted of a sex offense pursuant  
19 to state, federal, tribal or military law; or

20 (4) is a resident of another state and who has  
21 been convicted of a sex offense pursuant to state, federal,  
22 tribal or military law, but who is:

23 (a) employed full time or part time in  
24 New Mexico for a period of time exceeding fourteen days or for  
25 an aggregate period of time exceeding thirty days during any

calendar year, including any employment or vocation, whether financially compensated, volunteered or for the purpose of government or educational benefit; or

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

[I.] J. "sex offense" means any of the following offenses or their equivalents in any other jurisdiction committed on or after the date the offense became registrable in New Mexico:

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

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

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

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

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

(6) kidnapping, as provided in Section 30-4-1  
NMSA 1978, when committed with the intent to inflict a sexual  
offense;

(7) false imprisonment, as provided in Section 30-4-3 NMSA 1978, when committed with the intent to inflict a sexual offense;

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

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

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

(11) child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978, for convictions occurring on or after July 1, 2013;

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

(13) patronizing prostitutes, as provided in Subsection B of Section 30-9-3 NMSA 1978, when there is a separate finding of fact that the sex offender knew or should have known that the person believed to be a prostitute was younger than sixteen years of age;

(14) promoting prostitution, as provided in Section 30-9-4 NMSA 1978, when there is a separate finding of fact that the sex offender knew or should have known that the victim was younger than sixteen years of age;

(15) accepting earnings of a prostitute, as provided in Section 30-9-4.1 NMSA 1978, when there is a separate finding of fact that the sex offender knew or should have known that the person engaged in prostitution was younger than sixteen years of age;

(16) human trafficking, as provided in Section 30-52-1 NMSA 1978, for a sexual purpose, when the victim is younger than sixteen years of age;

(17) criminal sexual communication with a child, as provided in Section 30-37-3.3 NMSA 1978;

(18) voyeurism, as provided in Section 30-9-20  
NMSA 1978, when the victim is younger than eighteen years of  
age; or

[~~(13)~~] (19) attempt to commit any of the sex offenses set forth in Paragraphs (1) through [~~(11)~~] (18) of this subsection, as provided in Section 30-28-1 NMSA 1978; [~~and~~]

K. "sexually violent offense" means aggravated criminal sexual penetration, criminal sexual penetration in the first degree, criminal sexual penetration in the second degree or criminal sexual penetration in the third degree;

[J.] L. "social networking site" means [an internet web site] a website that facilitates online social interaction by offering a mechanism for communication with other users, where such users are likely to include a substantial number of

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1 minors under the age of sixteen, and allowing users, through  
2 the creation of web pages, profiles or other means, to provide  
3 information about themselves that is available to the public or  
4 to other users;

5                   M. "tier 1 sex offense" means:

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

8                   (2) sexual exploitation of children, as  
9 provided in Subsection A of Section 30-6A-3 NMSA 1978;

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

12                  (4) aggravated indecent exposure, as provided  
13 in Section 30-9-14.3 NMSA 1978;

14                  (5) voyeurism, as provided in Section 30-9-20  
15 NMSA 1978, when the victim is younger than eighteen years of  
16 age; or

17                  (6) attempt to commit any of the sex offenses  
18 set forth in Paragraphs (1) through (5) of this subsection, as  
19 provided in Section 30-28-1 NMSA 1978;

20                   N. "tier 2 sex offense" means:

21                  (1) sexual exploitation of children, as  
22 provided in Section 30-6A-3 NMSA 1978;

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

25                  (3) false imprisonment, as provided in Section

1       30-4-3 NMSA 1978, when committed with the intent to inflict a  
2       sex offense;

3               (4) patronizing prostitutes, as provided in  
4       Subsection B of Section 30-9-3 NMSA 1978, when there is a  
5       separate finding of fact that the sex offender knew or should  
6       have known that the person believed to be a prostitute was  
7       younger than sixteen years of age;

8               (5) promoting prostitution, as provided in  
9       Section 30-9-4 NMSA 1978, when there is a separate finding of  
10       fact that the sex offender knew or should have known that the  
11       victim was younger than sixteen years of age;

12               (6) accepting earnings of a prostitute, as  
13       provided in Section 30-9-4.1 NMSA 1978, when there is a  
14       separate finding of fact that the sex offender knew or should  
15       have known that the person engaged in prostitution was younger  
16       than sixteen years of age;

17               (7) criminal sexual penetration in the fourth  
18       degree, as provided in Section 30-9-11 NMSA 1978, when the  
19       victim is sixteen years of age or older;

20               (8) criminal sexual contact of a minor, as  
21       provided in Section 30-9-13 NMSA 1978, when the victim is  
22       thirteen to eighteen years of age;

23               (9) incest, as provided in Section 30-10-3  
24       NMSA 1978;

25               (10) criminal sexual communication with a

1       child, as provided in Section 30-37-3.3 NMSA 1978;  
2               (11) human trafficking, as provided in Section  
3       30-52-1 NMSA 1978, for sexual purpose, when the victim is  
4       younger than sixteen years of age;  
5               (12) child solicitation by electronic  
6       communication device, as provided in Subsection C of Section  
7       30-37-3.2 NMSA 1978; and  
8               (13) attempt to commit any of the sex offenses  
9       set forth in Paragraphs (1) through (12) of this subsection, as  
10       provided in Section 30-28-1 NMSA 1978; and  
11               0. "tier 3 sex offense" means:  
12               (1) kidnapping, as provided in Section 30-4-1  
13       NMSA 1978, when committed with intent to inflict a sex offense  
14       and when the victim is younger than eighteen years of age;  
15               (2) aggravated criminal sexual penetration or  
16       criminal sexual penetration in the first, second or third  
17       degree, as provided in Section 30-9-11 NMSA 1978;  
18               (3) criminal sexual penetration in the fourth  
19       degree, as provided in Section 30-9-11 NMSA 1978, when the  
20       victim is younger than sixteen years of age;  
21               (4) criminal sexual contact of a minor, as  
22       provided in Section 30-9-13 NMSA 1978, when the victim is  
23       younger than thirteen years of age; and  
24               (5) attempt to commit any of the sex offenses  
25       set forth in Paragraphs (1) through (4) of this subsection, as

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1       provided in 30-28-1 NMSA 1978."

2           SECTION 3. Section 29-11A-4 NMSA 1978 (being Laws 1995,  
3 Chapter 106, Section 4, as amended) is amended to read:

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

6           A. A sex offender residing in this state shall  
7 register with the county sheriff for the county in which the  
8 sex offender resides.

9           B. A juvenile sex offender shall register with the  
10 children, youth and families department no later than three  
11 business days after release into the community after  
12 adjudication for a sexually violent offense.

13           [B.] C. A sex offender who is a resident of New  
14 Mexico shall initially register in person with the county  
15 sheriff no later than [five] three business days after being  
16 released from the custody of the corrections department, a  
17 municipal or county jail or a federal, military or tribal  
18 correctional facility or detention center or being placed on  
19 probation or parole. A sex offender who changes residence to  
20 New Mexico shall register with the county sheriff no later than  
21 [five] three business days after arrival in this state. When a  
22 sex offender initially registers with the county sheriff, the  
23 sex offender shall provide the following registration  
24 information:

25           (1) the sex offender's legal name and any

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other names or aliases that the sex offender is using or has used;

(2) the sex offender's date of birth;

(3) the sex offender's social security number;

(4) the sex offender's current physical and mailing address and the address of every place where the sex offender habitually lives;

(5) the sex offender's place of employment;

(6) the sex offense for which the sex offender was convicted;

(7) the date and place of the sex offense conviction;

(8) the sex offender's names, email addresses and monikers and other self-identifiers used on social networking sites, to be used only for law enforcement purposes;

(9) the sex offender's landline and cellular telephone numbers and any other telephone numbers primarily used by the sex offender;

(10) the sex offender's professional licenses;

(11) the license plate or other identifier and the description of any vehicle owned or primarily operated by the sex offender, including aircraft and watercraft;

(12) the name and address of any school or institution of higher education that the sex offender is attending; and

(13) copies of the sex offender's passport and immigration documents.

[E.] D. A sex offender who is a resident of another state but who is employed in New Mexico or attending public or private school or an institution of higher education in New Mexico shall register in person with the county sheriff for the county in which the sex offender is working or attending school or an institution of higher education no later than three business days after beginning work or attending school in New Mexico.

[D.] E. A sex offender who is a resident of another state but who is employed in New Mexico or attending public or private school or an institution of higher education in New Mexico shall register in person with the county sheriff no later than [five] three business days after beginning work or school. When the sex offender registers with the county sheriff, the sex offender shall provide the following registration information:

(1) the sex offender's legal name and any other names or aliases that the sex offender is using or has used;

(2) the sex offender's date of birth;

(3) the sex offender's social security number;

(4) the sex offender's current physical and

mailing address in the sex offender's state of residence and,

1 if applicable, the address of the sex offender's place of  
2 lodging in New Mexico while working or attending school or an  
3 institution of higher education;

4 (5) the sex offender's place of employment or  
5 the name of the school the sex offender is attending;

6 (6) the sex offense for which the sex offender  
7 was convicted; and

8 (7) the date and place of the sex offense  
9 conviction.

10 [E.] F. When a sex offender registers with a county  
11 sheriff, the sheriff shall obtain:

12 (1) a photograph of the sex offender and a  
13 complete set of the sex offender's fingerprints and a palm  
14 print;

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

19 (3) a DNA sample for inclusion in the sex  
20 offender DNA identification system pursuant to the provisions  
21 of the DNA Identification Act.

22 [F.] G. When a sex offender who is registered  
23 changes any information required under this section, the sex  
24 offender shall send written notice of the change on a form  
25 approved by the department to the county sheriff no later than

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1 [five] three business days after the change occurs.

2 [G.] H. When a sex offender who is registered  
3 changes residence to a new county in New Mexico, the sex  
4 offender shall register in person with the county sheriff of  
5 the new county no later than [five] three business days after  
6 establishing the new residence. The sex offender shall also  
7 send written notice of the change in residence to the county  
8 sheriff with whom the sex offender last registered no later  
9 than [five] three business days after establishing the new  
10 residence.

11 [H.] I. When a sex offender who is registered or  
12 required to register is homeless or does not have an  
13 established residence, but lives in a shelter, halfway house or  
14 transitional living facility or stays in multiple locations in  
15 New Mexico, the sex offender shall register each address or  
16 temporary location with the county sheriff for each county in  
17 which the sex offender is living or temporarily located. The  
18 sex offender shall register in person no later than [five]  
19 three business days after a change in living arrangements or  
20 temporary location.

21 [I.] J. When a sex offender who is registered or  
22 required to register is employed, begins a vocation or is  
23 enrolled as a student at an institution of higher education in  
24 New Mexico, the sex offender shall disclose the sex offender's  
25 status as a sex offender in writing to the county sheriff for

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1 the county in which the institution of higher education is  
2 located, the law enforcement entity responsible for the  
3 institution of higher education and the registrar for the  
4 institution of higher education no later than ~~five~~ three  
5 business days after beginning employment, beginning a vocation  
6 or enrolling at the institution of higher education. The sex  
7 offender shall also send written notice of any change regarding  
8 employment, vocation or enrollment status at an institution of  
9 higher education to the county sheriff, the law enforcement  
10 entity and the registrar no later than ~~five~~ three business  
11 days after the change in employment, vocation or enrollment  
12 status.

13 [J.] K. When a sex offender who is registered or  
14 required to register is employed or is enrolled as a student at  
15 a public or private school in New Mexico, the sex offender  
16 shall disclose the sex offender's status as a sex offender in  
17 writing to the county sheriff for the county in which the  
18 school is located and to the principal of the school no later  
19 than ~~five~~ three business days after beginning employment or  
20 enrolling at the school. The sex offender shall also send  
21 written notice of any change regarding employment or enrollment  
22 status at a school to the county sheriff and the principal no  
23 later than ~~five~~ three business days after the change in  
24 employment or enrollment status.

25 [K.] L. When a sex offender who is registered or

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1 required to register is employed, begins a vocation or  
2 volunteers services in New Mexico, regardless of whether the  
3 sex offender receives payment or other compensation, the sex  
4 offender shall disclose the sex offender's status as a sex  
5 offender in writing to the sex offender's employer, supervisor  
6 or person similarly situated. The written disclosure shall be  
7 made immediately upon beginning employment, vocation or  
8 volunteer service.

9 [L.] M. Following initial registration pursuant to  
10 the provisions of this section:

11 (1) a sex offender ~~[required to register~~  
12 ~~pursuant to the provisions of Subsection D of Section 29-11A-5~~  
13 ~~NMSA 1978]~~ convicted of a tier 3 sex offense shall verify  
14 registration information with the county sheriff as provided in  
15 Subsection [N] 0 of this section not less than once in each  
16 ninety-day period following the date of the sex offender's  
17 initial registration for the remainder of the sex offender's  
18 natural life;

19 (2) a sex offender ~~[required to register~~  
20 ~~pursuant to the provisions of Subsection E of Section 29-11A-5~~  
21 ~~NMSA 1978]~~ convicted of a tier 2 sex offense shall verify  
22 registration information with the county sheriff as provided in  
23 Subsection [N] 0 of this section once every six months for a  
24 period of ~~[ten]~~ twenty-five years from the date of initial  
25 registration; [and]

(3) a sex offender convicted of a tier 1 sex offense shall annually verify registration information with the county sheriff as provided in Subsection 0 of this section prior to December 31 of each subsequent calendar year for a period of fifteen years from the date of initial registration;

(4) a sex offender required to register for the remainder of the sex offender's natural life as the result of an out-of-state conviction shall verify registration information with the county sheriff as provided in Subsection 0 of this section not less than once in each ninety-day period for the remainder of the sex offender's natural life;

[~~(3)~~] (5) an out-of-state registrant shall verify registration information with the county sheriff as provided in Subsection 0 of this section for [whichever is the longer of: the longer of:

(a)] the duration of time remaining in the registrant's convicting jurisdiction and at the same frequency as required in that state or territory, but no less than once every six months [or

(b) the duration of time remaining that would be required for the equivalent offense in New Mexico]; and

(6) a juvenile sex offender's obligation to register shall extend until the offender attains twenty-one years of age or until the juvenile sex offender is released

1       from supervision by the children, youth and families  
2       department.

3               [M.] N. Notwithstanding the provisions of  
4       ~~[Paragraph (2) of Subsection L]~~ Paragraphs (2) and (3) of  
5       Subsection M of this section, if a sex offender is convicted a  
6       second or subsequent time for a sex offense ~~[set forth in~~  
7       ~~Subsection E of Section 29-11A-5 NMSA 1978]~~, the sex offender  
8       shall verify registration information with the county sheriff  
9       as provided in Subsection [N] Q of this section not less than  
10      once in each ninety-day period following the date of the sex  
11      offender's initial registration for the remainder of the sex  
12      offender's natural life.

13               [N.] O. At least fifteen days prior to the time a  
14      sex offender is required to verify registration information,  
15      the department shall send a verification form to the sex  
16      offender, by first class mail, containing the sex offender's  
17      current registration information and a notice of the date that  
18      the sex offender's next verification is due. The sex offender  
19      shall appear in person at a location designated by the  
20      department to verify the information contained on the form, to  
21      change the information as necessary and to sign a statement  
22      under oath that the information is true and correct. The  
23      department may photograph the sex offender at that time if the  
24      sex offender's appearance is significantly different from the  
25      photograph already contained in the sex offender's file. If a

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1 sex offender does not receive a verification form before the  
2 time that the sex offender is required to verify registration  
3 pursuant to Subsection [L] M of this section, the sex offender  
4 shall appear at a location designated by the department to  
5 verify registration information as required by this section. A  
6 sex offender shall be relieved of the in-person verification  
7 requirements of this subsection if the sex offender is confined  
8 to a hospice facility or skilled nursing home.

9 ~~[O. The department shall establish a secure system~~  
10 ~~that will permit a sex offender to notify the department~~  
11 ~~electronically of any change in registration information.]~~

12 P. A sex offender shall appear in person in the  
13 county where the sex offender resides to notify the county  
14 sheriff of the sex offender's change of name, change of  
15 residence, change of employment or change in student status no  
16 later than three days after the change.

17 [P.] Q. A sex offender who willfully or  
18 knowingly fails to comply with the registration or verification  
19 requirements set forth in this section is guilty of a fourth  
20 degree felony and shall be sentenced pursuant to the provisions  
21 of Section 31-18-15 NMSA 1978. A sex offender who willfully or  
22 knowingly fails to comply with the registration or verification  
23 requirements set forth in this section after a first or  
24 subsequent conviction for a violation pursuant to this section  
25 is guilty of a third degree felony and shall be sentenced

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1 pursuant to the provisions of Section 31-18-15 NMSA 1978. The  
2 willful failure to comply with any registration or verification  
3 requirement set forth in this section shall be deemed part of a  
4 continuing transaction or occurrence. A conviction pursuant to  
5 this subsection shall not be considered a felony for purposes  
6 of the imposition of sentencing enhancements pursuant to the  
7 provisions of Section 31-18-17 NMSA 1978.

8 [Q.] R. A sex offender who willfully or knowingly  
9 provides false information when complying with the registration  
10 or verification requirements set forth in this section is  
11 guilty of a fourth degree felony and shall be sentenced  
12 pursuant to the provisions of Section 31-18-15 NMSA 1978. A  
13 sex offender who willfully or knowingly provides false  
14 information when complying with the registration or  
15 verification requirements set forth in this section after a  
16 first or subsequent conviction for a violation pursuant to this  
17 section is guilty of a third degree felony and shall be  
18 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
19 1978. The willful providing by a sex offender of false  
20 information with respect to the registration or verification  
21 requirements set forth in this section shall be deemed part of  
22 a continuing transaction or occurrence. A conviction pursuant  
23 to this subsection shall not be considered a felony for  
24 purposes of the imposition of sentencing enhancements pursuant  
25 to the provisions of Section 31-18-17 NMSA 1978."

1 SECTION 4. Section 29-11A-4.1 NMSA 1978 (being Laws 2000,  
2 Chapter 8, Section 6, as amended) is amended to read:

3 "29-11A-4.1. PROCEDURES WHEN A SEX OFFENDER MOVES FROM  
4 NEW MEXICO TO ANOTHER STATE.--

5 A. If a sex offender intends to move from New  
6 Mexico to another state, no later than thirty days prior to  
7 moving to the other state, [he] the sex offender shall:

8 (1) notify the county sheriff of the county  
9 [he] the sex offender resides in that [he] the sex offender is  
10 moving to the other state; and

11 (2) provide the county sheriff with a written  
12 notice that identifies the state to which the sex offender is  
13 moving.

14 B. Within five days of receiving a sex offender's  
15 written notice of intent to move to another state, the county  
16 sheriff shall transmit that information to the department [of  
17 ~~public safety~~]. Within five days of receiving that information  
18 from a county sheriff, the department shall contact the state  
19 agency responsible for registering sex offenders in the state  
20 to which the sex offender is moving. The department shall  
21 provide that state agency with registration information  
22 regarding the sex offender. The department shall also obtain  
23 information regarding registration requirements for sex  
24 offenders in the state to which the sex offender is moving.  
25 The department shall provide the sex offender with written

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1 notification of the registration requirements in the state to  
2 which the sex offender is moving.

3                   C. A sex offender who willfully fails to comply  
4 with the requirements set forth in this section is guilty of a  
5 fourth degree felony and shall be sentenced pursuant to the  
6 provisions of Section 31-18-15 NMSA 1978."

7                   **SECTION 5.** Section 29-11A-5 NMSA 1978 (being Laws 1995,  
8 Chapter 106, Section 5, as amended by Laws 2007, Chapter 68,  
9 Section 2 and by Laws 2007, Chapter 69, Section 6) is amended  
10 to read:

11                   "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--  
12 ADMINISTRATION BY DEPARTMENT [~~OF PUBLIC SAFETY~~]--PARTICIPATION  
13 IN THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

14                   A. A county sheriff shall maintain a local registry  
15 of sex offenders in the sheriff's jurisdiction required to  
16 register pursuant to the provisions of the Sex Offender  
17 Registration and Notification Act.

18                   B. The county sheriff shall forward:

19                   (1) registration information obtained from sex  
20 offenders to the department [~~of public safety~~]. The initial  
21 registration information and any new registration information  
22 subsequently obtained from a sex offender shall be forwarded by  
23 the county sheriff no later than ten working days after the  
24 information is obtained from a sex offender. If the department  
25 [~~of public safety~~] receives information regarding a sex

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1 offender from a governmental entity other than a county  
2 sheriff, the department shall send that information to the  
3 sheriff for the county in which the sex offender resides; and

4 (2) samples of DNA obtained from sex offenders  
5 to the administrative center for the sex offender DNA  
6 identification system pursuant to the provisions of the DNA  
7 Identification Act.

8 C. The department ~~[of public safety]~~ shall maintain  
9 a central registry of sex offenders required to register  
10 pursuant to the provisions of the Sex Offender Registration and  
11 Notification Act. The department shall participate in the  
12 national sex offender registry administered by the United  
13 States department of justice. The department shall send  
14 conviction information and fingerprints for all sex offenders  
15 registered in New Mexico to the national sex offender registry  
16 administered by the United States department of justice and to  
17 the federal bureau of investigation.

18 D. The department ~~[of public safety]~~ shall retain  
19 registration information regarding a sex offender convicted  
20 ~~[for any of the following sex offenses for the entirety] of a~~  
21 ~~tier 3 sex offense for the remainder~~ of the sex offender's  
22 natural life.

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

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

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

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

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

(6) attempt to commit any of the sex offenses set forth in Paragraphs (1) through (5) of this subsection, as provided in Section 30-28-1 NMSA 1978.]

E. The department [of public safety] shall retain registration information regarding a sex offender convicted [for the following offenses] of a tier 2 sex offense for a period of [ten] twenty-five years following the latest of the sex offender's conviction, release from prison or release from probation or parole. [whichever occurs later:]

(1) criminal sexual penetration in the fourth degree, as provided in Section 30-9-11 NMSA 1978;

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

(3) false imprisonment, as provided in Section 30-4-3 NMSA 1978, when the victim is less than eighteen years

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1 of age and the offender is not a parent of the victim;

2 (4) aggravated indecent exposure, as provided

3 in Section 30-9-14.3 NMSA 1978;

4 (5) enticement of child, as provided in

5 Section 30-9-1 NMSA 1978;

6 (6) incest, as provided in Section 30-10-3

7 NMSA 1978, when the victim is less than eighteen years of age;

8 (7) solicitation to commit criminal sexual

9 contact of a minor in the second, third or fourth degree, as

10 provided in Sections 30-9-13 and 30-28-3 NMSA 1978;

11 (8) child solicitation by electronic

12 communication device, as provided in Section 30-37-3.2 NMSA

13 1978; or

14 (9) attempt to commit any of the sex offenses

15 set forth in Paragraphs (1) through (6) of this subsection, as

16 provided in Section 30-28-1 NMSA 1978]

17 F. The department shall retain registration

18 information regarding a sex offender convicted of a tier 1 sex

19 offense for a period of fifteen years following the latest of

20 the sex offender's conviction, release from prison or release

21 from probation or parole.

22 G. The children, youth and families department

23 shall retain registration information regarding a juvenile sex

24 offender until the juvenile sex offender attains twenty-one

25 years of age, at which time the children, youth and families

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1 department shall notify the department of public safety that  
2 the registration period of the juvenile sex offender has  
3 expired. Within ten days of receiving the notice, the  
4 department of public safety shall remove all information  
5 regarding the juvenile sex offender from the department's  
6 database of sex offenders and remove or cause to be removed all  
7 information entered by any governmental entity in New Mexico  
8 from all law enforcement databases.

9 [F.] H. Notwithstanding the provisions of  
10 Subsection E of this section, if a sex offender is convicted a  
11 second or subsequent time for a sex offense set forth in that  
12 subsection, the department [of public safety] shall retain  
13 information regarding the sex offender for the entirety of the  
14 sex offender's natural life.

15 [G.] I. The department [of public safety] shall  
16 adopt rules necessary to carry out the provisions of the Sex  
17 Offender Registration and Notification Act. Rules necessary  
18 for the collection of DNA samples and the administration and  
19 operation of the sex offender DNA identification system shall  
20 be adopted by the DNA identification system oversight committee  
21 pursuant to the provisions of the DNA Identification Act."

22 SECTION 6. Section 29-11A-5.1 NMSA 1978 (being Laws 1999,  
23 Chapter 19, Section 8, as amended) is amended to read:

24 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
25 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY

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1                   NOTIFICATION--[~~INTERNET WEB SITE~~] WEBSITE.--

2                   A. If a sex offender is convicted of [~~one of the~~  
3 ~~following sex offenses~~] a tier 2 sex offense or tier 3 sex  
4 offense or required to register as a lifetime sex offender as a  
5 result of an out-of-state conviction, the county sheriff shall  
6 forward registration information obtained from the sex offender  
7 to the district attorney for the judicial district in which the  
8 sex offender resides and, if the sex offender is a resident of  
9 a municipality, the chief law enforcement officer for the  
10 municipality in which the sex offender resides.

11                   [~~(1) aggravated criminal sexual penetration or~~  
12 ~~criminal sexual penetration in the first, second or third~~  
13 ~~degree, as provided in Section 30-9-11 NMSA 1978;~~

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

17                   ~~(3) sexual exploitation of children, as~~  
18 ~~provided in Section 30-6A-3 NMSA 1978;~~

19                   ~~(4) sexual exploitation of children by~~  
20 ~~prostitution, as provided in Section 30-6A-4 NMSA 1978; or~~

21                   ~~(5) attempt to commit any of the sex offenses~~  
22 ~~set forth in Paragraphs (1) through (4) of this subsection, as~~  
23 ~~provided in Section 30-28-1 NMSA 1978]~~

24                   B. A person who wants to obtain registration  
25 information regarding sex offenders described in Subsection A

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1 of this section may request that information from the:

2 (1) sheriff for the county in which the sex

3 offenders reside;

4 (2) chief law enforcement officer for the  
5 municipality in which the sex offenders reside;

6 (3) district attorney for the judicial  
7 district in which the sex offenders reside; or

8 (4) secretary of public safety.

9 C. Upon receiving a request for registration  
10 information regarding sex offenders described in Subsection A  
11 of this section, the county sheriff, chief municipal law  
12 enforcement officer, district attorney or secretary of public  
13 safety shall provide that registration information, with the  
14 exception of a sex offender's social security number and DNA  
15 information, within a reasonable period of time, and no later  
16 than seven days after receiving the request.

17 D. Within seven days of receiving registration  
18 information from a sex offender described in Subsection A of  
19 this section, the county sheriff shall contact every licensed  
20 daycare center, elementary school, middle school and high  
21 school within a one-mile radius of the sex offender's residence  
22 and provide them with the sex offender's registration  
23 information, with the exception of the sex offender's social  
24 security number and DNA information.

25 E. The department shall establish and manage [an

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~~internet web site] a website~~ that provides the public with registration information regarding sex offenders described in Subsection A of this section, except that the department shall not provide registration information on the ~~[internet web site]~~ website regarding a sex offender who was less than eighteen years of age when the sex offender committed the sex offense for which the sex offender was convicted as a youthful offender, as provided in Section 32A-2-3 NMSA 1978, unless at the time of sentencing, the court made a finding that the sex offender is not amenable to treatment and is a danger to the community. The registration information provided to the public pursuant to this subsection shall not include a sex offender's social security number or DNA information ~~[or the identity of a sex offender's place of employment, unless the sex offender's employment requires the sex offender to have direct contact with children]~~. The ~~[internet web site]~~ website shall provide only the following registration information:

(1) the sex offender's legal name and any other names or aliases that the sex offender is using or has used;

(2) the sex offender's current address and the address of every place where the sex offender habitually lives;

(3) [if the sex offender's employment involves direct contact with children] the sex offender's place of employment;

(4) the sex offenses for which the sex offender has been convicted;

(5) a photograph of the sex offender;

(6) the sex offender's date of birth;

(7) a physical description, including a description of any tattoos, scars or other distinguishing features on the sex offender's body that would assist in identifying the sex offender; and

(8) a link that will pinpoint the location of the sex offender's place of employment [if the sex offender has direct contact with children]."

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

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

A. A court shall provide a sex offender convicted in that court with written notice of [his] the sex offender's duty to register pursuant to the provisions of the Sex Offender Registration and Notification Act. The written notice shall be included in judgment and sentence forms provided to the sex offender. The written notice shall inform the sex offender that [he] the sex offender is required to:

(1) register with the county sheriff for the county in which the sex offender will reside or, if the sex offender will not have an established residence, with the county sheriff for each county in which the sex offender will

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1 live or be temporarily located pursuant to the provisions of  
2 the Sex Offender Registration and Notification Act;

3 (2) report subsequent changes of address  
4 pursuant to the provisions of the Sex Offender Registration and  
5 Notification Act;

6 (3) notify the county sheriff of the county  
7 [he] the sex offender resides in if the sex offender intends to  
8 move to another state and that the sex offender is required to  
9 register in the other state pursuant to the provisions of the  
10 Sex Offender Registration and Notification Act;

11 (4) disclose [his] the sex offender's status  
12 as a sex offender in writing when [he] the sex offender begins  
13 employment, begins a vocation or enrolls as a student at an  
14 institution of higher education in New Mexico to the county  
15 sheriff for the county in which the institution of higher  
16 education is located and to the law enforcement entity and  
17 registrar for the institution of higher education pursuant to  
18 the provisions of the Sex Offender Registration and  
19 Notification Act;

20 (5) provide written notice of any change  
21 regarding [his] the sex offender's employment, vocation or  
22 enrollment status at an institution of higher education to the  
23 county sheriff, the law enforcement entity and the registrar  
24 pursuant to the provisions of the Sex Offender Registration and  
25 Notification Act;

(6) disclose [his] the sex offender's status as a sex offender in writing, when [he] the sex offender enrolls as a student at a private or public school in New Mexico, to the county sheriff for the county in which the school is located and to the principal of the school pursuant to the provisions of the Sex Offender Registration and Notification Act;

(7) provide written notice of any change regarding [his] the sex offender's enrollment status at a public or private school in New Mexico to the county sheriff and the principal of the school pursuant to the provisions of the Sex Offender Registration and Notification Act;

(8) disclose [his] the sex offender's status as a sex offender in writing to [his] the sex offender's employer, supervisor or other person similarly situated when [he] the sex offender begins employment, begins a vocation or volunteers [his] the sex offender's services, regardless of whether the sex offender receives payment or other compensation, pursuant to the provisions of the Sex Offender Registration and Notification Act; and

(9) read and sign a form that indicates that the sex offender has received the written notice and that a responsible court official, designated by the chief judge for that judicial district, has explained the written notice to the sex offender.

B. The corrections department, a municipal or county jail or a detention center, at the time of release of a sex offender in its custody, shall provide a written notice to the sex offender of [his] the sex offender's duty to register, pursuant to the provisions of the Sex Offender Registration and Notification Act. The written notice shall inform the sex offender that [he] the sex offender is required to:

(1) register with the county sheriff for the county in which the sex offender will reside or, if the sex offender will not have an established residence, with the county sheriff for each county in which the sex offender will live or be temporarily located pursuant to the provisions of the Sex Offender Registration and Notification Act;

(2) report subsequent changes of address pursuant to the provisions of the Sex Offender Registration and Notification Act;

(3) notify the county sheriff of the county  
[he] the sex offender resides in if the sex offender intends to move to another state and that the sex offender is required to register in the other state pursuant to the provisions of the Sex Offender Registration and Notification Act;

(4) disclose [his] the sex offender's status as a sex offender in writing when [he] the sex offender begins employment, begins a vocation or enrolls as a student at an institution of higher education in New Mexico to the county

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1 sheriff for the county in which the institution of higher  
2 education is located and to the law enforcement entity and  
3 registrar for the institution of higher education pursuant to  
4 the provisions of the Sex Offender Registration and  
5 Notification Act;

6 (5) provide written notice of any change  
7 regarding [his] the sex offender's employment, vocation or  
8 enrollment status at an institution of higher education to the  
9 county sheriff, the law enforcement entity and the registrar  
10 pursuant to the provisions of the Sex Offender Registration and  
11 Notification Act;

12 (6) disclose [his] the sex offender's status  
13 as a sex offender in writing, when [he] the sex offender  
14 enrolls as a student at a private or public school in New  
15 Mexico, to the county sheriff for the county in which the  
16 school is located and to the principal of the school pursuant  
17 to the provisions of the Sex Offender Registration and  
18 Notification Act;

19 (7) provide written notice of any change  
20 regarding [his] the sex offender's enrollment status at a  
21 public or private school in New Mexico to the county sheriff  
22 and the principal of the school pursuant to the provisions of  
23 the Sex Offender Registration and Notification Act;

24 (8) disclose [his] the sex offender's status  
25 as a sex offender in writing to [his] the sex offender's

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1 employer, supervisor or other person similarly situated when  
2 [he] the sex offender begins employment, begins a vocation or  
3 volunteers [his] the sex offender's services, regardless of  
4 whether the sex offender receives payment or other  
5 compensation, pursuant to the provisions of the Sex Offender  
6 Registration and Notification Act; and

7 (9) read and sign a form that indicates that  
8 the sex offender has received the written notice and that a  
9 responsible corrections department official, designated by the  
10 secretary of corrections, or a responsible municipal or county  
11 jail official or detention center official has explained the  
12 written notice to the sex offender.

13 C. A court, the corrections department, a municipal  
14 or county jail or a detention center shall also provide written  
15 notification regarding a sex offender's release to the sheriff  
16 of the county in which the sex offender is released and to the  
17 department of public safety.

18 D. The department [~~of public safety~~], at the time  
19 it is notified by officials from another state that a sex  
20 offender will be establishing residence in New Mexico, shall  
21 provide written notice to the sex offender of [his] the sex  
22 offender's duty to register pursuant to the provisions of the  
23 Sex Offender Registration and Notification Act."

24 SECTION 8. APPLICABILITY.--The provisions of this act  
25 apply to any person convicted of a sex offense on or after July

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