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SENATE BILL 442

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mary Jane M Garcia

FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

AN ACT

RELATING TO SEX OFFENDERS; ADDING THE SECRETARY OF PUBLIC SAFETY AS A MEMBER OF THE SEX OFFENDER MANAGEMENT BOARD.

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

Section 1. Section 9-3-13 NMSA 1978 (being Laws 2003 (1st S.S.), Chapter 1, Section 1) is amended to read:

"9-3-13. SEX OFFENDER MANAGEMENT BOARD-- CREATION-- MEMBERSHIP-- DUTIES. --

A. There is created within the New Mexico sentencing commission the "sex offender management board". Members of the sex offender management board who are not members of the New Mexico sentencing commission, whose membership is set forth in Section 9-3-10 NMSA 1978, shall not be voting members of the New Mexico sentencing commission.

B. The sex offender management board shall be

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1 composed of the following members:

- 2 (1) the attorney general;
- 3 (2) a district attorney appointed by the
4 district attorneys association of New Mexico;
- 5 (3) the chief public defender;
- 6 (4) a district court judge appointed by the
7 district court judge's association of New Mexico;
- 8 (5) the secretary of corrections;
- 9 (6) the secretary of health;
- 10 (7) the secretary of children, youth and
11 families;
- 12 (8) the secretary of public safety;
- 13 [~~8~~] (9) one public member appointed by the
14 governor who is a board member of a New Mexico victims
15 organization;
- 16 [~~9~~] (10) two representatives appointed by
17 the governor who are mental health professionals licensed to
18 practice in New Mexico. One of the mental health professionals
19 shall be a member of the association for the treatment of
20 sexual abusers and one shall be a juvenile sex offender
21 treatment specialist;
- 22 [~~10~~] (11) a representative appointed by the
23 governor from the adult probation and parole division of the
24 corrections department who has expertise in the supervision of
25 sex offenders;

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1 [~~(11)~~] (12) a representative appointed by the
2 governor from the law enforcement community who has expertise
3 regarding sex offender community notification, registration,
4 tracking and monitoring;

5 [~~(12)~~] (13) a representative appointed by the
6 governor who is affiliated with a civil liberties organization;
7 and

8 [~~(13)~~] (14) a representative appointed by the
9 governor who is affiliated with a faith-based organization.

10 C. The sex offender management board shall report
11 its findings and recommendations to the New Mexico sentencing
12 commission on a quarterly basis. The New Mexico sentencing
13 commission shall vote to approve, disapprove or revise the
14 recommendations of the board.

15 D. The sex offender management board shall:

16 (1) hold meetings at times and for periods as
17 the board deems necessary to accomplish its objectives, but
18 shall meet at least eight times a year;

19 (2) develop and prescribe a standard procedure
20 for the identification and evaluation of convicted sex
21 offenders. The procedure shall include behavior management,
22 monitoring, treatment and program compliance for sex offenders.
23 The board shall develop and recommend measures of success;

24 (3) develop and recommend guidelines and
25 standards for the treatment of sex offenders that can be

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1 utilized by offenders who are placed on probation, incarcerated
2 with the corrections department, placed on parole or placed in
3 a community corrections program. The guidelines and standards
4 shall include a monitoring process and a plan for developing
5 treatment programs for sex offenders, including determining the
6 duration, terms and conditions of probation and parole for sex
7 offenders;

8 (4) create a risk assessment screening tool
9 and program to assist sentencing of sex offenders, including
10 determining the duration, terms and conditions of probation and
11 parole for sex offenders;

12 (5) develop guidelines and standards for
13 monitoring sex offenders who are undergoing evaluation or
14 treatment, including behavioral monitoring;

15 (6) develop criteria for measuring a sex
16 offender's progress in treatment programs. The parole board
17 shall use the criteria approved by the New Mexico sentencing
18 commission to determine whether a sex offender may
19 appropriately be discharged from parole;

20 (7) develop a standardized procedure for the
21 identification and evaluation of juvenile sex offenders. The
22 procedure shall include behavior management, monitoring,
23 treatment and program compliance for juvenile sex offenders.
24 The board shall develop and implement measures of success;

25 (8) develop and recommend guidelines and

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1 standards for the treatment of juvenile sex offenders who are
2 placed on probation, committed to a state agency, placed on
3 parole or placed in a community corrections program;

4 (9) research and analyze safety issues raised
5 when sex offenders live in a community;

6 (10) study and consider the viability and
7 legality of a civil commitment program for sex offenders;

8 (11) research and determine the feasibility
9 and legality of implementing indeterminate sentencing for sex
10 offenders;

11 (12) study the use of clinical polygraph
12 testing as a means to evaluate sex offenders;

13 (13) evaluate sex offender treatment programs
14 administered by state agencies and recommend changes, if
15 needed, in those treatment programs; and

16 (14) review the provisions of the Sex Offender
17 Notification and Registration Act and recommend changes, if
18 needed, to that act.

19 E. The members of the sex offender management board
20 shall be paid pursuant to the Per Diem and Mileage Act and
21 shall receive no other perquisite, compensation or allowance. "