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FISCAL IMPACT REPORT

SPONSOR Arnold-Jones DATE TYPED 3/4/05 HB 1001

SHORT TITLE Sex Offender DNA Samples SB _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$0.1 See Narrative	Recurring	General Fund

Relates to SB 55 & HB165

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 1001 amends statutory provisions contained within the Sex Offender Registration and Notification Act to require DNA samples from convicted sex offenders and establishes the Sex Offender DNA Identification System

This bill requires a registering sex offender to provide the county sheriff with a DNA sample pursuant to the provisions of the DNA Identification Act, whether that offender is a resident of New Mexico or a resident of another state who is employed in or attending school in New Mexico.

Significant Issues

The AGO believes this separate request for a DNA sample is a reasonable request because of the nature of sex offenses. Additional duties are also clarified for the DNA oversight committee relating to the DNA information retrieved as a result of the DNA registration requirements. Al-

though it is not required for federal compliance, states are strongly encouraged to collect DNA samples from registering offenders to be typed and stored in state DNA databases. Collection of DNA samples greatly enhances a state's capacity to investigate and solve crimes involving biological evidence, especially serial and stranger rapes.

Currently, the AGO is handling various district court cases concerning the sex offender registration and notification act. In most cases, the AGO states the district court has failed to comply with the notification requirements or has entered a sentence contrary to the requirements of the sex offender registration and notification act.

The AOC believes there a chance that an offender who is required to register and who is neither a resident of New Mexico nor employed or attending school in New Mexico could slip through the cracks. In HB 165, registration requirements are expanded to include sex offenders who do not have an established residence, but live in a shelter, halfway house or transitional living facility or stays in multiple locations in New Mexico. This could exempt someone living or staying in a hotel or motel. Previously introduced legislation has sought to require registration by any sex offender who stays in New Mexico for more than 24 hours.

FISCAL IMPLICATIONS

There will be a minimal 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.

ADMINISTRATIVE IMPLICATIONS

The bill expands the DNA Oversight Committee's duties to include the oversight of the establishment and administration of the sex offender DNA identification system and to include the adoption of rules and procedures regarding the administration and operation of the sex offender DNA identification system.

The administrative center, as defined in the DNA Identification Act, operates under the Albuquerque police department.

RELATIONSHIP

The Sex Offender Management Board (SOMB) was created by the 2003 Special Session to propose sex offender registration and notification changes. This proposed legislation was adopted by the New Mexico Sentencing Commission on January 24, 2005. HB 165 is the bill drafted by the SOMB incorporating all their recommendations including those required for federal compliance. HB 165 includes the same amendments to Section 29-11A-4 requiring a DNA sample for registration purposes.

HB 1001 also relates to SB 55, Sex Offender Registration Requirements.

DW/yr:lg