SENATE JOINT MEMORIAL 38

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

INTRODUCED BY

Cisco McSorley

A JOINT MEMORIAL

PROPOSING A STUDY OF THE APPLICATION AND EFFECTIVENESS OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT.

WHEREAS, New Mexico has now joined the ranks of states that require persons convicted of sex crimes to register and report their whereabouts for up to twenty years after they have served their time after conviction; and

WHEREAS, states with decades of experience in establishing and maintaining a sex offender registry could serve as models for New Mexico's efforts to implement the Sex Offender Registration and Notification Act; and

WHEREAS, Washington state, which has had a sex offender registration and notification act in place for well over a decade and is the only state that has published statistics on the benefits of the act, reports no reduction in sex crimes;

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WHEREAS, New Mexico's highly publicized sex offender registry does not contain current information for all sex offenders, has wrongly included names of innocent persons and is not entirely accurate; and

WHEREAS, maintaining the sex offender registry is timeconsuming and uses law enforcement resources; and

WHEREAS, posting a sex offender registry on the internet, where it is available to anyone in the world, can be seen as a second punishment for a crime for which the person convicted has already served time; and

WHEREAS, publicizing the sex offense can re-victimize a crime victim: and

WHEREAS, the common perception that police are monitoring all sex offenders and that a registry can be all-inclusive can lead to a false sense of security; and

WHEREAS, national statistics indicate that sex offenders are usually well-acquainted with their victims, often being relatives of or persons in authority over the victims, and their whereabouts are well-known within their communities; and

WHEREAS, in New Mexico, some small law enforcement agencies may soon face a choice between monitoring sex offenders and pursuing active crimes, and some law enforcement agents have been forced to provide protections against vigilantes seeking to retaliate against sex offenders whose

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names are published in the registry;

NOW. THEREFORE. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that a study of the efficacy of New Mexico's Sex Offender Registration and Notification Act be conducted by the New Mexico sentencing commission, that the study include statistics gathered from other states as to the rates of sex crimes both before and after implementation of the statute and that the commission report its findings to the appropriate interim legislative committee by October 2005; and

BE IT FURTHER RESOLVED that the study include statistics from states that have more experience with the implementation of sex offender registration and notification provisions so that such information can be used in New Mexico to prevent possible problems and legal challenges; and

BE IT FURTHER RESOLVED that all state agencies dealing with implementation of the Sex Offender Registration and Notification Act cooperate with the New Mexico sentencing commission: and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico sentencing commission and the department of public safety.

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