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FISCAL IMPACT REPORT

ORIGINAL DATE 2/7/2006

SPONSOR Carraro LAST UPDATED _____ HB _____

SHORT TITLE Sex Offender Definition & Registration SB 669

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Corrections Department (CD)

SUMMARY

Synopsis of Bill

Senate Bill 669 proposes certain changes to the Current Sex Offender Registration and Notification Act, Section 29-11A-1 NMSA 1978 et.seq. The changes include the definition of a sex offender to include visitors from another state who will be in New Mexico for more than twenty-four hours and the time limits for registration (twenty-four hours instead of ten days). Other requirements include specific information regarding property and motor vehicles owned by the sex offender. The proposed law also adds two additional criminal offenses to the lifetime reporting requirement: aggravated indecent exposure and enticement of a child

The Act contains an emergency clause.

FISCAL IMPLICATIONS

AOC

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 because of stricter registration requirements. 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.

CD

The proposed amendments to the Sex Offender Registration and Notification Act would result in a moderate increase in costs to the Corrections Department due to an increase in the number of felony convictions for failure to register. It is expected that there would be a fairly large number of new offenders due to the twenty-four hour time limit. The new offenders would significantly increase the number of people incarcerated or on probation.

SIGNIFICANT ISSUES

The bill provides for criminal penalties for noncompliance with the registration requirements as follows:

- Willfully or knowingly failing to comply, fourth degree felony
- Second or subsequent failure, third degree felony
- Willfully or knowingly providing false information while complying, fourth degree felony
- Second or subsequent provision of false information, third degree felony

OTHER SUBSTANTIVE ISSUES

AGO

It is unclear whether the proposed revisions comply with the federal law regarding sex offender registration and notification. Currently, New Mexico's sex offender registration and notification law complies with federal law requirements. New Mexico would forfeit federal grants and monies if it does not comply with the federal law.

POSSIBLE QUESTIONS

Should lifetime registration be required where enticement of a child does not involve a "sex offense"?

Will law enforcement be able to enforce the "visiting" sex offender registration requirement?

Is 24-hours a reasonable time for registration or to establish a residency?

Currently offenders must register once a year prior to December 31. Does the 90-day registration requirement significantly improve enforcement?

All felons are currently required to provide DNA samples that are placed in the DNA index. Is the section in the bill requiring that sex offenders to provide a DNA sample redundant?

AMENDMENTS (AGO)

1. Include a provision defining "owns" for Section D (6) regarding the ownership of all motor vehicles. Partial ownership of the motor vehicle should fall within this requirement.

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2. Define “residence” to require some independent, third party receipt or other documentation such as a lease agreement.
3. Special attention should be directed to the federal legislation for state sex offender registration and notification requirements to ensure compliance and federal funding.

It would be much less confusing to have the bill read, “If an offender is required to register in another state as a sex offender, they must also register when visiting New Mexico.”

BMC/yr