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SENATE BILL 1016

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO SEX OFFENDERS; CLARIFYING DEFINITIONS IN THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT.

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

Section 1. 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:
- "conviction" means a conviction in any court of competent jurisdiction and includes a deferred sentence, but does not include a conditional discharge;
 - "institution of higher education" means a: В.
- (1) private or public post-secondary educational institution;
 - trade school; or (2)

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(3) professional school;

- C. "registration requirement" means any requirement set forth in Section 29-11A-4 NMSA 1978 that requires a sex offender to register, provide information, including a DNA sample, renew, revise or change [his] registration information or provide written notice or disclosure regarding [his] the sex offender's status as a sex offender;
 - "sex offender" means a person who: D.
- is a resident of New Mexico who is convicted of a sex offense [in New Mexico] pursuant to state, federal, tribal or military law;
- changes [his] residence to New Mexico, when that person has been convicted of a sex offense [in another state] pursuant to state, federal, tribal or military law:
- (3) is a resident of New Mexico who is convicted of a sex offense pursuant to federal, tribal or military law;
- (4) (3) does not have an established residence in New Mexico, but lives in a shelter, halfway house or transitional living facility or stays in multiple locations in New Mexico and who has been convicted of a sex offense in New Mexico or any other state pursuant to state, federal, tribal or military law; or
- $[\frac{(5)}{(5)}]$ (4) is a resident of another state and .167450.1

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2	l rederat, tribar or military
3	(a)
4	New Mexico for a period of
5	an aggregate period of time
6	calendar year, including an
7	financially compensated, vo
8	government or educational b
9	(b)
10	basis in a private or publi
11	education in New Mexico; an
12	E. "sex offense
13	offenses or their equivalen
14	(1) crimin
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16	NMSA 1978;
17	(2) crimin
18	degree, as provided in Sect
19	(3) crimin
20	second, third or fourth deg
21	30-9-13 NMSA 1978;
22	(4) sexual
23	provided in Section 30-6A-3
24	(5) sexual
25	prostitution, as provided i
	167450 1

who has been convicted of a sex offense pursuant to state, federal, tribal or military law, but who is:

- (a) employed full time or part time in New Mexico for a period of time exceeding fourteen days or for 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 pasis in a private or public school or an institution of higher education in New Mexico; and
- E. "sex offense" means any of the following offenses or their equivalents in any other jurisdiction:
- (1) criminal sexual penetration in the first, second, third or fourth degree, as provided in Section 30-9-11
- (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; .167450.1

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30-4-1	NMSA 1	978,	when t	he v	ictim	is le	ss t	han	eighteen	years
of age	and th	e off	ender	is n	ot a	parent	of	the	victim;	

- (7) false imprisonment, as provided in Section 30-4-3 NMSA 1978, when the victim is less than eighteen years of age and the offender is not a parent of the victim;
- (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 less than eighteen years of age;
- (11) 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
- (12) attempt to commit any of the sex offenses set forth in Paragraphs (1) through (10) of this subsection, as provided in Section 30-28-1 NMSA 1978."

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