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SENATE BILL 224

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO SEX OFFENDERS; PROVIDING THAT LOCAL GOVERNMENTS ARE NOT PROHIBITED FROM ENACTING RESIDENCE RESTRICTIONS WITH RESPECT TO SEX OFFENDERS.

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

Section 1. Section 29-11A-9 NMSA 1978 (being Laws 2005, Chapter 279, Section 7) is amended to read:

"29-11A-9. STATE PREEMPTION--SAVING CLAUSE.--

A. The state preempts the field of sex offender registration and notification. Cities, counties, home rule municipalities and other political subdivisions of the state are prohibited from adopting or continuing in effect any ordinance, rule, regulation, resolution or statute on sex offender registration and notification. Cities, counties, home rule municipalities and other political subdivisions of the

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1 state are not prohibited from enacting residence restrictions
2 with respect to sex offenders.

3 B. After January 18, 2005, cities, counties, home
4 rule municipalities and other political subdivisions of the
5 state are prohibited from adopting or amending an ordinance,
6 rule, regulation or resolution on sex offender registration and
7 notification. An ordinance in effect on January 18, 2005 shall
8 continue in force and effect until repealed; provided that the
9 ordinance shall only continue in force and effect with regard
10 to sex offenders who are required to register pursuant to the
11 provisions of the ordinance, but who are not required to
12 register pursuant to the provisions of the Sex Offender
13 Registration and Notification Act. All other sex offenders
14 shall register pursuant to the provisions of the Sex Offender
15 Registration and Notification Act."