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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/08

SPONSOR Carraro LAST UPDATED _____ HB _____

SHORT TITLE Sex Offender Definitions & Registration SB 204

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Bernalillo County Metro Court
 Public Defender Department (PDD)
 Sentencing Commission (SC)

SUMMARY

Synopsis of Bill

Senate Bill 204 requires sex offenders to register with local authorities within 72 hours instead of 10 days, including visitors to the state, new residents and those released from custody. It also requires 72-hour notice to authorities of any changes of residency, employment or schooling including notification to the county sheriff with whom the offender last registered.

The bill will require sex offenders to re-register every ninety days. It will require a sex offender moving to another state to provide the local sheriff with the new address to which s/he is moving.

The bill also requires sex offenders to provide information about all vehicles driven by the offender to authorities when registering. Offenders under existing law are required to register annually for 10 years, but this bill requires them to re-register every 90 days for 20 years. Failure to comply with these registration conditions is a fourth-degree felony.

The bill also adds aggravated indecent exposure and enticement of a child to the list of crimes the Department of Public Safety maintains on its life time sex offender registration.

The bill further amends the NMSA to clean up language and to insert appropriate gender-neutral language in the Sex Offender Registration Act.

This bill has an emergency clause.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. 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.

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; and
- Willfully or knowingly providing false information while complying, fourth degree felony
- Second or subsequent provision of false information, third degree felony.

The New Mexico Sentencing Commission has raised enforcement issues.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. Due to changes in sex offender registration requirements, additional prosecutions for noncompliance may result, thus, this bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed; and
- Percent change in case filings by case.

ADMINISTRATIVE IMPLICATIONS

There may be an administrative impact on the courts as the result of an increase in caseload and/or in the amount of time necessary to dispose of cases.

POSSIBLE QUESTIONS

The SC asks the following questions:

- How will the public know a visitor is an offender?
- How will the visitor know they should register?

DW/mt