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HOUSE BILL 526

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Yvette Herrell

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; REQUIRING REGISTRATION FOR ADDITIONAL SEX OFFENSES; EXPANDING THE DEFINITION OF "SEX OFFENDER"; REQUIRING ADDITIONAL INFORMATION UPON REGISTRATION; CLARIFYING THE INFORMATION AVAILABLE ON THE SEX OFFENDER INTERNET WEB SITE; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTIONS OF LAW IN LAWS 2007.

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 by Laws 2007, Chapter 68, Section 1 and by Laws 2007, Chapter 69, Section 5) is amended to read:

"29-11A-3. DEFINITIONS.--As used in the Sex Offender Registration and Notification Act:

A. "conviction" means a conviction in any court of

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1 competent jurisdiction and includes a deferred sentence, but  
2 does not include a conditional discharge;

3 B. "habitually lives" means any place where the sex  
4 offender lives for at least thirty days in any three-hundred-  
5 sixty-five-day period;

6 [~~B-~~] C. "institution of higher education" means a:

7 (1) private or public post-secondary  
8 educational institution;

9 (2) trade school; or

10 (3) professional school;

11 [~~G-~~] D. "registration requirement" means any  
12 requirement set forth in Section 29-11A-4 NMSA 1978 that  
13 requires a sex offender to register, provide information,  
14 including a DNA sample, renew, revise or change registration  
15 information or provide written notice or disclosure regarding  
16 the sex offender's status as a sex offender;

17 [~~D-~~] E. "sex offender" means a person who:

18 (1) is a resident of New Mexico who is  
19 convicted of a sex offense pursuant to state, federal, tribal  
20 or military law or pursuant to the law of a foreign nation that  
21 the United States department of state, in its country reports  
22 on human rights practices, has concluded that an independent  
23 judiciary generally or vigorously enforced the right to a fair  
24 trial in that nation during the year in which the conviction  
25 occurred;

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1 (2) changes residence to New Mexico, when that  
2 person has been convicted of a sex offense pursuant to state,  
3 federal, tribal or military law or pursuant to the law of a  
4 foreign nation that the United States department of state, in  
5 its country reports on human rights practices, has concluded  
6 that an independent judiciary generally or vigorously enforced  
7 the right to a fair trial in that nation during the year in  
8 which the conviction occurred;

9 (3) does not have an established residence in  
10 New Mexico, but lives in a shelter, halfway house or  
11 transitional living facility or stays in multiple locations in  
12 New Mexico and who has been convicted of a sex offense pursuant  
13 to state, federal, tribal or military law or pursuant to the  
14 law of a foreign nation that the United States department of  
15 state, in its country reports on human rights practices, has  
16 concluded that an independent judiciary generally or vigorously  
17 enforced the right to a fair trial in that nation during the  
18 year in which the conviction occurred; or

19 (4) is a resident of another state and who has  
20 been convicted of a sex offense pursuant to state, federal,  
21 tribal or military law or pursuant to the law of a foreign  
22 nation that the United States department of state, in its  
23 country reports on human rights practices, has concluded that  
24 an independent judiciary generally or vigorously enforced the  
25 right to a fair trial in that nation during the year in which

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1 the conviction occurred, but who is:

2 (a) employed full time or part time in  
3 New Mexico for a period of time exceeding fourteen days or for  
4 an aggregate period of time exceeding thirty days during any  
5 calendar year, including any employment or vocation, whether  
6 financially compensated, volunteered or for the purpose of  
7 government or educational benefit; or

8 (b) enrolled on a full-time or part-  
9 time basis in a private or public school or an institution of  
10 higher education in New Mexico; and

11 [~~E-~~] F. "sex offense" means any of the following  
12 offenses or their equivalents in any other jurisdiction:

13 (1) aggravated criminal sexual penetration or  
14 criminal sexual penetration in the first, second, third or  
15 fourth degree, as provided in Section 30-9-11 NMSA 1978;

16 (2) criminal sexual contact in the fourth  
17 degree, as provided in Section 30-9-12 NMSA 1978;

18 (3) criminal sexual contact of a minor in the  
19 second, third or fourth degree, as provided in Section  
20 30-9-13 NMSA 1978;

21 (4) sexual exploitation of children, as  
22 provided in Section 30-6A-3 NMSA 1978;

23 (5) sexual exploitation of children by  
24 prostitution, as provided in Section 30-6A-4 NMSA 1978;

25 (6) kidnapping, as provided in Section 30-4-1

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1 NMSA 1978, with intent to inflict a sexual offense, when the  
2 victim is less than eighteen years of age and the offender is  
3 not a parent of the victim;

4 (7) false imprisonment, as provided in Section  
5 30-4-3 NMSA 1978, with intent to inflict a sexual offense, when  
6 the victim is less than eighteen years of age and the offender  
7 is not a parent of the victim;

8 (8) aggravated indecent exposure, as provided  
9 in Section 30-9-14.3 NMSA 1978;

10 (9) enticement of child, as provided in  
11 Section 30-9-1 NMSA 1978;

12 (10) incest, as provided in Section 30-10-3  
13 NMSA 1978, when the victim is less than eighteen years of age;

14 (11) patronizing prostitutes, as provided in  
15 Subsection B of Section 30-9-3 NMSA 1978, when the person  
16 believed to be a prostitute is less than sixteen years of age;

17 (12) promoting prostitution, as provided in  
18 Section 30-9-4 NMSA 1978, when the victim is less than sixteen  
19 years of age;

20 (13) accepting earnings of a prostitute, as  
21 provided in Section 30-9-4.1 NMSA 1978, from a person engaged  
22 in prostitution who is less than sixteen years of age;

23 (14) criminal sexual communication with a  
24 child, as provided in Section 30-37-3.3 NMSA 1978;

25 (15) human trafficking, as provided in Section

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1 30-52-1 NMSA 1978, for a sexual purpose, when the victim is  
2 less than sixteen years of age;

3 [~~(11)~~] (16) child solicitation by electronic  
4 communication device, as provided in Section 30-37-3.2 NMSA  
5 1978;

6 [~~(12)~~] (17) solicitation to commit criminal  
7 sexual contact of a minor in the second, third or fourth  
8 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;  
9 [~~or~~]

10 (18) conspiracy to commit any of the sex  
11 offenses set forth in Paragraphs (1) through (17) of this  
12 subsection, as provided in Section 30-28-2 NMSA 1978; or

13 [~~(13)~~] (19) attempt to commit any of the sex  
14 offenses set forth in Paragraphs (1) through [~~(10)~~] (15) of  
15 this subsection, as provided in Section 30-28-1 NMSA 1978."

16 SECTION 2. Section 29-11A-4 NMSA 1978 (being Laws 1995,  
17 Chapter 106, Section 4, as amended) is amended to read:

18 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION  
19 REQUIRED--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

20 A. A sex offender residing in this state shall  
21 register with the county sheriff for the county in which the  
22 sex offender resides.

23 B. A sex offender who is a resident of New Mexico  
24 shall register with the county sheriff no later than ten days  
25 after being released from the custody of the corrections

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1 department, a municipal or county jail or a federal, military  
2 or tribal correctional facility or detention center or being  
3 placed on probation or parole. A sex offender who changes  
4 ~~[his]~~ residence to New Mexico shall register with the county  
5 sheriff no later than ten days after ~~[his]~~ arrival in this  
6 state. When a sex offender registers with the county sheriff,  
7 ~~[he]~~ the sex offender shall provide the following registration  
8 information:

9 (1) ~~[his]~~ the sex offender's legal name and  
10 any other names or aliases that ~~[he]~~ the sex offender is using  
11 or has used;

12 (2) ~~[his]~~ the sex offender's date of birth;

13 (3) ~~[his]~~ the sex offender's social security  
14 number;

15 (4) ~~[his]~~ the sex offender's current address  
16 and the address of every place where the sex offender  
17 habitually lives;

18 (5) ~~[his]~~ the name and address of the sex  
19 offender's place of employment;

20 (6) ~~[the sex]~~ every offense for which ~~[he was]~~  
21 the sex offender has been convicted; ~~[and]~~

22 (7) the date and place of ~~[his sex offense]~~  
23 every arrest or conviction;

24 (8) the sex offender's names, email addresses,  
25 monikers or other self-identifiers used in internet

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1 communications or postings or on social networking sites, to be  
2 used only for law enforcement purposes;

3 (9) the sex offender's telephone numbers;

4 (10) the sex offender's professional licenses;

5 (11) the license plate or other identifier and  
6 the description of any vehicle owned or primarily operated by  
7 the sex offender, including aircraft and watercraft;

8 (12) the name and address of any school or  
9 institution of higher education that the sex offender is  
10 attending; and

11 (13) copies of the sex offender's passport and  
12 immigration documents.

13 C. A sex offender who is a resident of another  
14 state but who is employed in New Mexico or attending public or  
15 private school or an institution of higher education in New  
16 Mexico shall register with the county sheriff for the county in  
17 which the sex offender is working or attending school or an  
18 institution of higher education. [~~D. A sex offender who is a~~  
19 ~~resident of another state but who is employed in New Mexico or~~  
20 ~~attending public or private school or an institution of higher~~  
21 ~~education in New Mexico] The sex offender shall register [~~with~~  
22 ~~the county sheriff~~] no later than ten days after beginning work  
23 or school. When the sex offender registers with the county  
24 sheriff, [~~he~~] the sex offender shall provide the following  
25 registration information:~~

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1 (1) [his] the sex offender's legal name and  
2 any other names or aliases that ~~[he]~~ the sex offender is using  
3 or has used;

4 (2) [his] the sex offender's date of birth;

5 (3) [his] the sex offender's social security  
6 number;

7 (4) [his] the sex offender's current address  
8 and the address of every place where the sex offender  
9 habitually lives in ~~[his]~~ the sex offender's state of residence  
10 and, if applicable, the address of ~~[his]~~ the sex offender's  
11 place of lodging in New Mexico while ~~[he is]~~ working or  
12 attending school or an institution of higher education;

13 ~~[(5) his place of employment or the name of~~  
14 ~~the school he is attending;~~

15 ~~(6) the sex offense for which he was~~  
16 ~~convicted; and~~

17 ~~(7) the date and place of his sex offense~~  
18 ~~conviction]~~

19 (5) every offense for which the sex offender  
20 has been convicted;

21 (6) the date and place of every arrest or  
22 conviction;

23 (7) the sex offender's names, email addresses,  
24 monikers or other self-identifiers used in internet  
25 communications or postings or on social networking sites, to be

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1 used only for law enforcement purposes;

2 (8) the sex offender's telephone numbers;

3 (9) the sex offender's professional licenses;

4 (10) the license plate or other identifier and  
5 description of any vehicle owned or primarily operated by the  
6 sex offender, including aircraft and watercraft;

7 (11) the name and address of the sex  
8 offender's place of employment and any school or institution of  
9 higher education that the sex offender is attending; and

10 (12) copies of the sex offender's passport and  
11 immigration documents.

12 [~~E.~~] D. When a sex offender registers with a county  
13 sheriff, the sheriff shall obtain:

14 (1) a photograph of the sex offender, [~~and~~] a  
15 complete set of the sex offender's fingerprints and a palm  
16 print;

17 (2) a physical description, including a  
18 description of any tattoos, scars or other distinguishing  
19 features on the sex offender's body that would assist in  
20 identifying the sex offender; and

21 (3) a DNA sample [~~of his DNA~~] for inclusion in  
22 the sex offender DNA identification system pursuant to the  
23 provisions of the DNA Identification Act.

24 [~~F.~~] E. When a sex offender who is registered  
25 changes [~~his~~] residence within the same county, the sex

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1 offender shall send written notice of [~~his~~] the change of  
2 address to the county sheriff no later than ten days after  
3 establishing [~~his~~] the new residence.

4 [~~G.~~] F. When a sex offender who is registered  
5 changes [~~his~~] residence to a new county in New Mexico, the sex  
6 offender shall register with the county sheriff of the new  
7 county no later than ten days after establishing [~~his~~] the new  
8 residence. The sex offender shall also send written notice of  
9 the change in residence to the county sheriff with whom [~~he~~]  
10 the sex offender last registered no later than ten days after  
11 establishing [~~his~~] the new residence.

12 [~~H.~~] G. When a sex offender who is registered or  
13 required to register does not have an established residence,  
14 but lives in a shelter, halfway house or transitional living  
15 facility or stays in multiple locations in New Mexico, the sex  
16 offender shall register with the county sheriff for each county  
17 in which the sex offender is living or temporarily located.  
18 The sex offender shall register no later than ten days after a  
19 change in [~~his~~] living arrangements or temporary location.

20 [~~I.~~] H. When a sex offender who is registered or  
21 required to register is employed, begins a vocation or is  
22 enrolled as a student at an institution of higher education in  
23 New Mexico, the sex offender shall disclose [~~his~~] the sex  
24 offender's status as a sex offender in writing to the county  
25 sheriff for the county in which the institution of higher

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1 education is located, the law enforcement entity responsible  
2 for the institution of higher education and the registrar for  
3 the institution of higher education no later than ten days  
4 after beginning employment, beginning a vocation or enrolling  
5 at the institution of higher education. The sex offender shall  
6 also send written notice of any change regarding [~~his~~]  
7 employment, vocation or enrollment status at an institution of  
8 higher education to the county sheriff, the law enforcement  
9 entity and the registrar no later than ten days after the  
10 change in [~~his~~] employment, vocation or enrollment status.

11 [~~J.~~] I. When a sex offender who is registered or  
12 required to register is employed or is enrolled as a student at  
13 a public or private school in New Mexico, the sex offender  
14 shall disclose [~~his~~] the sex offender's status as a sex  
15 offender in writing to the county sheriff for the county in  
16 which the school is located and to the principal of the school  
17 no later than ten days after beginning employment or enrolling  
18 at the school. The sex offender shall also send written notice  
19 of any change regarding [~~his~~] employment or enrollment status  
20 at a school to the county sheriff and the principal no later  
21 than ten days after the change in [~~his~~] employment or  
22 enrollment status.

23 [~~K.~~] J. When a sex offender who is registered or  
24 required to register is employed, begins a vocation or  
25 volunteers [~~his~~] services, regardless of whether the sex

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1 offender receives payment or other compensation, the sex  
2 offender shall disclose [~~his~~] the sex offender's status as a  
3 sex offender in writing to [~~his~~] the sex offender's employer,  
4 supervisor or person similarly situated. The written  
5 disclosure shall be made immediately upon beginning [~~his~~]  
6 employment, vocation or volunteer service.

7 [~~L.~~] K. Following [~~his~~] initial registration  
8 pursuant to the provisions of this section:

9 (1) a sex offender [~~required to register~~  
10 ~~pursuant to the provisions of~~] convicted of any of the sex  
11 offenses enumerated in Subsection D of Section 29-11A-5 NMSA  
12 1978 or their equivalents shall renew [~~his~~] registration with  
13 the county sheriff not less than once in each ninety-day period  
14 following the date of the sex offender's initial registration  
15 for the entirety of [~~his~~] the sex offender's natural life; and

16 (2) a sex offender [~~required to register~~  
17 ~~pursuant to the provisions of~~] convicted of any of the sex  
18 offenses enumerated in Subsection E of Section 29-11A-5 NMSA  
19 1978 or their equivalents shall annually renew [~~his~~] the sex  
20 offender's registration with the county sheriff prior to  
21 December 31 of each subsequent calendar year for a period of  
22 ten years.

23 [~~M.~~] L. Notwithstanding the provisions of Paragraph  
24 (2) of Subsection [~~L.~~] K. of this section, if a sex offender is  
25 convicted a second or subsequent time for a sex offense set

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1       forth in Subsection E of Section 29-11A-5 NMSA 1978, [~~he~~] the  
2       sex offender shall renew [~~his~~] registration with the county  
3       sheriff not less than once in each ninety-day period following  
4       the date of the sex offender's initial registration for the  
5       entirety of [~~his~~] the sex offender's natural life.

6               [~~N.~~] M. A sex offender who willfully or  
7       knowingly fails to comply with the registration requirements  
8       set forth in this section is guilty of a fourth degree felony  
9       and shall be sentenced pursuant to the provisions of Section  
10       31-18-15 NMSA 1978. A sex offender who willfully or knowingly  
11       fails to comply with the registration requirements set forth in  
12       this section after a first or subsequent conviction for a  
13       violation pursuant to this section is guilty of a third degree  
14       felony and shall be sentenced pursuant to the provisions of  
15       Section 31-18-15 NMSA 1978. The willful failure to comply with  
16       any registration requirement set forth in this section shall be  
17       deemed part of a continuing transaction or occurrence. A  
18       conviction pursuant to this subsection shall not be considered  
19       a felony for purposes of the imposition of sentencing  
20       enhancements pursuant to the provisions of Section 31-18-17  
21       NMSA 1978.

22               [~~Ø.~~] N. A sex offender who willfully or knowingly  
23       provides false information when complying with the registration  
24       requirements set forth in this section is guilty of a fourth  
25       degree felony and shall be sentenced pursuant to the provisions

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1 of Section 31-18-15 NMSA 1978. A sex offender who willfully or  
2 knowingly provides false information when complying with the  
3 registration requirements set forth in this section after a  
4 first or subsequent conviction for a violation pursuant to this  
5 section is guilty of a third degree felony and shall be  
6 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
7 1978. The willful providing by a sex offender of false  
8 information with respect to the registration requirements set  
9 forth in this section shall be deemed part of a continuing  
10 transaction or occurrence. A conviction pursuant to this  
11 subsection shall not be considered a felony for purposes of the  
12 imposition of sentencing enhancements pursuant to the  
13 provisions of Section 31-18-17 NMSA 1978."

14 SECTION 3. Section 29-11A-5 NMSA 1978 (being Laws 1995,  
15 Chapter 106, Section 5, as amended by Laws 2007, Chapter 68,  
16 Section 2 and by Laws 2007, Chapter 69, Section 6) is amended  
17 to read:

18 "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--  
19 ADMINISTRATION BY DEPARTMENT OF PUBLIC SAFETY--PARTICIPATION IN  
20 THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

21 A. A county sheriff shall maintain a local registry  
22 of sex offenders in the sheriff's jurisdiction required to  
23 register pursuant to the provisions of the Sex Offender  
24 Registration and Notification Act.

25 B. The county sheriff shall forward:

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1 (1) registration information obtained from sex  
2 offenders to the department of public safety. The initial  
3 registration information and any new registration information  
4 subsequently obtained from a sex offender shall be forwarded by  
5 the county sheriff no later than ten working days after the  
6 information is obtained from a sex offender. If the department  
7 of public safety receives information regarding a sex offender  
8 from a governmental entity other than a county sheriff, the  
9 department shall send that information to the sheriff for the  
10 county in which the sex offender resides; and

11 (2) samples of DNA obtained from sex offenders  
12 to the administrative center for the sex offender DNA  
13 identification system pursuant to the provisions of the DNA  
14 Identification Act.

15 C. The department of public safety shall maintain a  
16 central registry of sex offenders required to register pursuant  
17 to the provisions of the Sex Offender Registration and  
18 Notification Act. The department shall participate in the  
19 national sex offender registry administered by the United  
20 States department of justice. The department shall send  
21 conviction information and fingerprints for all sex offenders  
22 registered in New Mexico to the national sex offender registry  
23 administered by the United States department of justice and to  
24 the federal bureau of investigation.

25 D. The department of public safety shall retain

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1 registration information regarding a sex offender convicted for  
2 any of the following sex offenses for the entirety of the sex  
3 offender's natural life:

4 (1) aggravated criminal sexual penetration or  
5 criminal sexual penetration in the first, second or third  
6 degree, as provided in Section 30-9-11 NMSA 1978;

7 (2) criminal sexual contact of a minor in the  
8 second, third or fourth degree, as provided in Section  
9 30-9-13 NMSA 1978;

10 (3) sexual exploitation of children, as  
11 provided in Section 30-6A-3 NMSA 1978;

12 (4) kidnapping, as provided in Section 30-4-1  
13 NMSA 1978, with intent to inflict a sexual offense, when the  
14 victim is less than eighteen years of age and the offender is  
15 not a parent of the victim;

16 [~~(5) criminal sexual contact in the fourth~~  
17 ~~degree, as provided in Section 30-9-12 NMSA 1978; or]~~

18 (5) patronizing prostitutes, as provided in  
19 Subsection B of Section 30-9-3 NMSA 1978, when the person  
20 believed to be a prostitute is less than sixteen years of age;

21 (6) promoting prostitution, as provided in  
22 Section 30-9-4 NMSA 1978, when the victim is less than sixteen  
23 years of age;

24 (7) accepting earnings of a prostitute, as  
25 provided in Section 30-9-4.1 NMSA 1978, from a person engaged

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1 in prostitution who is less than sixteen years of age;

2 (8) human trafficking, as provided in Section  
3 30-52-1 NMSA 1978, for a sexual purpose, when the victim is  
4 less than sixteen years of age; or

5 [~~6~~] (9) attempt to commit any of the sex  
6 offenses set forth in Paragraphs (1) through [~~5~~] (8) of this  
7 subsection, as provided in Section 30-28-1 NMSA 1978.

8 E. The department of public safety shall retain  
9 registration information regarding a sex offender convicted for  
10 the following offenses for a period of ten years following the  
11 sex offender's conviction, release from prison or release from  
12 probation or parole, whichever occurs later:

13 (1) criminal sexual penetration in the fourth  
14 degree, as provided in Section 30-9-11 NMSA 1978;

15 (2) sexual exploitation of children by  
16 prostitution, as provided in Section 30-6A-4 NMSA 1978;

17 (3) false imprisonment, as provided in Section  
18 30-4-3 NMSA 1978, with intent to inflict a sexual offense, when  
19 the victim is less than eighteen years of age and the offender  
20 is not a parent of the victim;

21 (4) aggravated indecent exposure, as provided  
22 in Section 30-9-14.3 NMSA 1978;

23 (5) enticement of child, as provided in  
24 Section 30-9-1 NMSA 1978;

25 (6) incest, as provided in Section 30-10-3

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1 NMSA 1978, when the victim is less than eighteen years of age;

2 (7) criminal sexual contact in the fourth  
3 degree, as provided in Section 30-9-12 NMSA 1978;

4 (8) criminal sexual communication with a  
5 child, as provided in Section 30-37-3.3 NMSA 1978;

6 [~~7~~] (9) solicitation to commit criminal  
7 sexual contact of a minor in the second, third or fourth  
8 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;

9 [~~8~~] (10) child solicitation by electronic  
10 communication device, as provided in Section 30-37-3.2 NMSA  
11 1978; [~~or~~]

12 (11) conspiracy, as provided in Section  
13 30-28-2 NMSA 1978, to commit any of the sex offenses set forth  
14 in Subsection D or E of this section; or

15 [~~9~~] (12) attempt to commit any of the sex  
16 offenses set forth in Paragraphs (1) through [~~6~~] (8) of this  
17 subsection, as provided in Section 30-28-1 NMSA 1978.

18 F. Notwithstanding the provisions of Subsection E  
19 of this section, if a sex offender is convicted a second or  
20 subsequent time for a sex offense set forth in that subsection,  
21 the department of public safety shall retain information  
22 regarding the sex offender for the entirety of the sex  
23 offender's natural life.

24 G. The department of public safety shall adopt  
25 rules necessary to carry out the provisions of the Sex Offender

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1 Registration and Notification Act. Rules necessary for the  
2 collection of DNA samples and the administration and operation  
3 of the sex offender DNA identification system shall be adopted  
4 by the DNA identification system oversight committee pursuant  
5 to the provisions of the DNA Identification Act."

6 SECTION 4. Section 29-11A-5.1 NMSA 1978 (being Laws 1999,  
7 Chapter 19, Section 8, as amended) is amended to read:

8 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
9 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY  
10 NOTIFICATION--INTERNET WEB SITE.--

11 A. If a sex offender is convicted of one of the  
12 following sex offenses, the county sheriff shall forward  
13 registration information obtained from the sex offender to the  
14 district attorney for the judicial district in which the sex  
15 offender resides and, if the sex offender is a resident of a  
16 municipality, the chief law enforcement officer for the  
17 municipality in which the sex offender resides:

18 (1) aggravated criminal sexual penetration or  
19 criminal sexual penetration in the first, second or third  
20 degree, as provided in Section 30-9-11 NMSA 1978;

21 (2) criminal sexual contact of a minor in the  
22 second, third or fourth degree, as provided in Section  
23 30-9-13 NMSA 1978;

24 (3) sexual exploitation of children, as  
25 provided in Section 30-6A-3 NMSA 1978;

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1 (4) sexual exploitation of children by  
2 prostitution, as provided in Section 30-6A-4 NMSA 1978; or

3 (5) attempt to commit any of the sex offenses  
4 set forth in Paragraphs (1) through (4) of this subsection, as  
5 provided in Section 30-28-1 NMSA 1978.

6 B. A person who wants to obtain registration  
7 information regarding sex offenders described in Subsection A  
8 of this section may request that information from the:

9 (1) sheriff for the county in which the sex  
10 offenders reside;

11 (2) chief law enforcement officer for the  
12 municipality in which the sex offenders reside;

13 (3) district attorney for the judicial  
14 district in which the sex offenders reside; or

15 (4) secretary of public safety.

16 C. Upon receiving a request for registration  
17 information regarding sex offenders described in Subsection A  
18 of this section, the county sheriff, chief municipal law  
19 enforcement officer, district attorney or secretary of public  
20 safety shall provide that registration information, with the  
21 exception of a sex offender's social security number and DNA  
22 information, within a reasonable period of time, and no later  
23 than seven days after receiving the request.

24 D. Within seven days of receiving registration  
25 information from a sex offender described in Subsection A of

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1 this section, the county sheriff shall contact every licensed  
2 daycare center, elementary school, middle school and high  
3 school within a one-mile radius of the sex offender's residence  
4 and provide them with the sex offender's registration  
5 information, with the exception of the sex offender's social  
6 security number and DNA information.

7 E. The department of public safety shall establish  
8 and manage an internet web site that provides the public with  
9 registration information regarding sex offenders described in  
10 Subsection A of this section, except that the department of  
11 public safety shall not provide registration information on the  
12 internet web site regarding a sex offender who was less than  
13 eighteen years of age when the sex offender committed the sex  
14 offense for which the sex offender was convicted as a youthful  
15 offender, as provided in Section 32A-2-3 NMSA 1978, unless at  
16 the time of sentencing, the court made a finding that the sex  
17 offender is not amenable to treatment and is a danger to the  
18 community. The [~~registration information provided to the~~  
19 ~~public pursuant to this subsection shall not include a sex~~  
20 ~~offender's social security number or DNA information or a sex~~  
21 ~~offender's place of employment, unless the sex offender's~~  
22 ~~employment requires the sex offender to have direct contact~~  
23 ~~with children] internet web site shall provide the following  
24 registration information:~~

25 (1) the sex offender's legal name and any

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1 other names or aliases that the sex offender is using or has  
2 used;

3 (2) the sex offender's current address and the  
4 address of every place where the sex offender habitually lives;

5 (3) the address of the sex offender's place of  
6 employment, if the sex offender's employment requires the sex  
7 offender to have direct contact with children;

8 (4) every sex offense for which the sex  
9 offender has been convicted;

10 (5) the sex offender's professional licenses;

11 (6) the license plate or other identifier and  
12 description of any vehicle owned or primarily operated by the  
13 sex offender, including aircraft and watercraft;

14 (7) a photograph of the sex offender;

15 (8) a physical description, including a  
16 description of any tattoos, scars or other distinguishing  
17 features on the sex offender's body that would assist in  
18 identifying the sex offender; and

19 (9) the sex offender's date of birth."

20 SECTION 5. APPLICABILITY.--The provisions of this act  
21 apply to:

22 A. a person convicted of a sex offense on or after  
23 July 1, 2005; and

24 B. a person convicted of a sex offense prior to  
25 July 1, 2005 and who, on July 1, 2005, was still incarcerated,

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1 on probation or on parole for commission of that sex offense.

2 SECTION 6. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2011.

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