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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/14/11

SPONSOR Herrell LAST UPDATED \_\_\_\_\_ HB 526

SHORT TITLE Sex Offender Registration & Available Info SB \_\_\_\_\_

ANALYST Segura

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	N/A			

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Unknown				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

House Bill 526 proposes several amendments to the Sex Offender Registration and Notification Act. It expands the definition of a sex offender to include foreign sex offense convictions where the conviction was achieved after providing certain due process protections to the offender. The AOC indicates that the bill also increases the sex offender identifying information which must be provided on the local and central sex offender registries; and removes gender specific pronouns when referring to the sexual offender throughout the bill.

AOC provides the significant changes, as proposed to definitions in HB 526:

- Broadens definition of “sex offender” beyond an individual who has been convicted of a sex offense under state, federal, tribal and military law to include those individuals who have been found guilty under the law of foreign nation.
- Broadens the definition of “sex offense” to include:
  - The intent to inflict sex offense when the victim is under the age of 18,
  - Patronizing, promoting, or accepting earnings of a prostitute when the person engaged in prostitution is under the age of 16;
  - Conspiracy to commit any of the offenses defined within the Act as sex offenses.

In addition, AOC identifies, significant changes, as proposed to information required to be registered in HB 526, are;

- Internet-related names, addresses, self-identifiers of the sex offender;
- Telephone numbers
- Professional licenses
- License plate or vehicle identification information;
- Educational institutions attending;
- Copies of passport and immigration documents.

According to NMCD House Bill 526 adds six offenses requiring registration (including conspiracy to commit) and narrows the scope of the sex offenses of false imprisonment and kidnapping to require the intent to inflict a sexual offense. It also requires sex offenders to provide additional information as stated above.

In addition, the bill delineates exactly what sex offender registrations information can be maintained on the DPS sex offender web site.

## **FISCAL IMPLICATIONS**

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.

## **RELATIONSHIP, DUPLICATION**

House Bill 526 is very similar to HB298 although they do differ in the definitions of sex offenses and the definition of sex offender related to conviction by a foreign nation.

## **SIGNIFICANT ISSUES**

PDD raises the concern; “Does the United States State Department report on other countries in a manner that the prosecution can use to demonstrate that the country –in-question’s judiciary was independent and vigorously enforced the right to a fair trial during the year the conviction at issue. Because this is part of the definition of a sex offender, the State will have to prove this element beyond a reasonable doubt.