

1 HOUSE BILL 437

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Monica Youngblood

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9
10 AN ACT

11 RELATING TO HUMAN TRAFFICKING; ADDING ATTEMPT TO THE CRIME OF
12 HUMAN TRAFFICKING; EXPANDING THE DEFINITION OF "HUMAN
13 TRAFFICKING"; PROVIDING THAT CERTAIN PROVISIONS OF THE SEX
14 OFFENDER REGISTRATION AND NOTIFICATION ACT APPLY TO HUMAN
15 TRAFFICKERS; REQUIRING THE DEPARTMENT OF PUBLIC SAFETY, COUNTY
16 SHERIFFS AND OTHERS TO OBTAIN REGISTRATION INFORMATION;
17 CREATING THE HUMAN TRAFFICKER DNA IDENTIFICATION SYSTEM;
18 INCREASING THE PENALTY FOR HUMAN TRAFFICKING; RECONCILING
19 MULTIPLE AMENDMENTS TO THE SAME SECTIONS OF LAW IN LAWS 2007.

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. Section 29-11A-3 NMSA 1978 (being Laws 1995,
23 Chapter 106, Section 3, as amended by Laws 2007, Chapter 68,
24 Section 1 and by Laws 2007, Chapter 69, Section 5) is amended
25 to read:

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1 "29-11A-3. DEFINITIONS.--As used in the Sex Offender
2 Registration and Notification Act:

3 A. "conviction" means a conviction in any court of
4 competent jurisdiction and includes a deferred sentence, but
5 does not include a conditional discharge;

6 B. "department" means the department of public
7 safety;

8 C. "human trafficker" means a person who:

9 (1) is a resident of New Mexico who is
10 convicted of human trafficking for an offense that involves
11 commercial sexual activity pursuant to state, federal, tribal
12 or military law;

13 (2) changes residence to New Mexico and has
14 been convicted of human trafficking for an offense that
15 involves commercial sexual activity pursuant to state, federal,
16 tribal or military law;

17 (3) does not have an established residence in
18 New Mexico but lives in a shelter, halfway house or
19 transitional living facility or stays in multiple locations in
20 New Mexico and who has been convicted of human trafficking for
21 an offense that involves commercial sexual activity pursuant to
22 state, federal, tribal or military law; or

23 (4) is a resident of another state and has
24 been convicted of human trafficking for an offense that
25 involves commercial sexual activity pursuant to state, federal,

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1 tribal or military law 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-time
9 basis in a private or public school or an institution of higher
10 education in New Mexico;

11 D. "human trafficking" means human trafficking
12 involving commercial sexual activity, as provided in Section
13 30-52-1 NMSA 1978;

14 [~~B-~~] E. "institution of higher education" means a:

15 (1) private or public post-secondary
16 educational institution;

17 (2) trade school; or

18 (3) professional school;

19 [~~G-~~] F. "registration requirement" means any
20 requirement set forth in Section 29-11A-4 NMSA 1978 that
21 requires a sex offender or human trafficker whose human
22 trafficking offense involves commercial sexual activity to
23 register, provide information, including a DNA sample, renew,
24 revise or change registration information or provide written
25 notice or disclosure regarding the sex offender's status as a

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1 sex offender or the human trafficker's status as a human
2 trafficker involved in commercial sexual activity;

3 [~~D-~~] G. "sex offender" means a person who:

4 (1) is a resident of New Mexico who is
5 convicted of a sex offense pursuant to state, federal, tribal
6 or military law;

7 (2) changes residence to New Mexico, when that
8 person has been convicted of a sex offense pursuant to state,
9 federal, tribal or military law;

10 (3) does not have an established residence in
11 New Mexico, but lives in a shelter, halfway house or
12 transitional living facility or stays in multiple locations in
13 New Mexico and who has been convicted of a sex offense pursuant
14 to state, federal, tribal or military law; or

15 (4) is a resident of another state and who has
16 been convicted of a sex offense pursuant to state, federal,
17 tribal or military law, but who is:

18 (a) employed full time or part time in
19 New Mexico for a period of time exceeding fourteen days or for
20 an aggregate period of time exceeding thirty days during any
21 calendar year, including any employment or vocation, whether
22 financially compensated, volunteered or for the purpose of
23 government or educational benefit; or

24 (b) enrolled on a full-time or part-
25 time basis in a private or public school or an institution of

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1 higher education in New Mexico; and

2 [E-] H. "sex offense" means any of the following
3 offenses or their equivalents in any other jurisdiction:

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

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

9 (3) criminal sexual contact of a minor in the
10 second, third or fourth degree, as provided in Section
11 30-9-13 NMSA 1978;

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

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

16 (6) kidnapping, as provided in Section
17 30-4-1 NMSA 1978, when the victim is less than eighteen years
18 of age and the offender is not a parent of the victim;

19 (7) false imprisonment, as provided in Section
20 30-4-3 NMSA 1978, when the victim is less than eighteen years
21 of age and the offender is not a parent of the victim;

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

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

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

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

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

9 (13) attempt to commit any of the sex offenses
10 set forth in Paragraphs (1) through [~~(11)~~] (10) of this
11 subsection, as provided in Section 30-28-1 NMSA 1978."

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

14 "29-11A-4. REGISTRATION OF SEX OFFENDERS AND HUMAN
15 TRAFFICKERS--INFORMATION REQUIRED--CRIMINAL PENALTY FOR
16 NONCOMPLIANCE.--

17 A. A sex offender or human trafficker residing in
18 this state shall register with the county sheriff for the
19 county in which the sex offender or human trafficker resides.

20 B. A sex offender or human trafficker who is a
21 resident of New Mexico shall register with the county sheriff
22 no later than ten days after being released from the custody of
23 the corrections department, a municipal or county jail or a
24 federal, military or tribal correctional facility or detention
25 center or being placed on probation or parole. A sex offender

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1 or human trafficker who changes [~~his~~] residence to New Mexico
2 shall register with the county sheriff no later than ten days
3 after [~~his~~] arrival in this state. When a sex offender or
4 human trafficker registers with the county sheriff, [~~he~~] the
5 sex offender or human trafficker shall provide the following
6 registration information:

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

10 (2) [~~his~~] the sex offender's or human
11 trafficker's date of birth;

12 (3) [~~his~~] the sex offender's or human
13 trafficker's social security number;

14 (4) [~~his~~] the sex offender's or human
15 trafficker's current address;

16 (5) [~~his~~] the sex offender's or human
17 trafficker's place of employment;

18 (6) the sex offense or human trafficking
19 offense for which [~~he~~] the sex offender or human trafficker was
20 convicted; and

21 (7) the date and place of [~~his~~] the sex
22 offense or human trafficking offense conviction.

23 C. A sex offender or human trafficker who is a
24 resident of another state but who is employed in New Mexico or
25 attending public or private school or an institution of higher

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1 education in New Mexico shall register with the county sheriff
2 for the county in which the sex offender or human trafficker is
3 working or attending school or an institution of higher
4 education.

5 D. A sex offender or human trafficker who is a
6 resident of another state but who is employed in New Mexico or
7 attending public or private school or an institution of higher
8 education in New Mexico shall register with the county sheriff
9 no later than ten days after beginning work or school. When
10 the sex offender or human trafficker registers with the county
11 sheriff, [~~he~~] the sex offender or human trafficker shall
12 provide the following registration information:

13 (1) [~~his~~] the sex offender's or human
14 trafficker's legal name and any other names or aliases that
15 [~~he~~] the sex offender or human trafficker is using or has used;

16 (2) [~~his~~] the sex offender's or human
17 trafficker's date of birth;

18 (3) [~~his~~] the sex offender's or human
19 trafficker's social security number;

20 (4) [~~his~~] the sex offender's or human
21 trafficker's current address in [~~his~~] the sex offender's or
22 human trafficker's state of residence and, if applicable, the
23 address of [~~his~~] the sex offender's or human trafficker's place
24 of lodging in New Mexico while [~~he is~~] working or attending
25 school or an institution of higher education;

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1 (5) [~~his~~] the sex offender's or human
2 trafficker's place of employment or the name of the school [~~he~~]
3 the sex offender or human trafficker is attending;

4 (6) the sex offense or human trafficking
5 offense for which [~~he~~] the sex offender or human trafficker was
6 convicted; and

7 (7) the date and place of [~~his~~] the sex
8 offense or human trafficking offense conviction.

9 E. When a sex offender or human trafficker
10 registers with a county sheriff, the sheriff shall obtain:

11 (1) a photograph of the sex offender or human
12 trafficker and a complete set of the sex offender's or human
13 trafficker's fingerprints;

14 (2) a description of any tattoos, scars or
15 other distinguishing features on the sex offender's or human
16 trafficker's body that would assist in identifying the sex
17 offender or human trafficker; and

18 (3) a DNA sample [~~of his DNA~~] for inclusion in
19 the sex offender DNA identification system or the human
20 trafficker DNA identification system pursuant to the provisions
21 of the DNA Identification Act.

22 F. When a sex offender or human trafficker who is
23 registered changes [~~his~~] residence within the same county, the
24 sex offender or human trafficker shall send written notice of
25 [~~his~~] the change of address to the county sheriff no later than

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1 ten days after establishing [~~his~~] the new residence.

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

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

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

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

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

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1 status.

2 K. When a sex offender or human trafficker who is
3 registered or required to register is employed, begins a
4 vocation or volunteers [~~his~~] services, regardless of whether
5 [~~the sex offender receives~~] payment or other compensation is
6 received, the sex offender or human trafficker shall disclose
7 [~~his~~] the sex offender's status as a sex offender or the human
8 trafficker's status as a human trafficker in writing to [~~his~~]
9 the sex offender's or human trafficker's employer, supervisor
10 or person similarly situated. The written disclosure shall be
11 made immediately upon beginning [~~his~~] employment, vocation or
12 volunteer service.

13 L. Following [~~his~~] initial registration pursuant to
14 the provisions of this section:

15 (1) a sex offender required to register
16 pursuant to the provisions of Subsection D of Section 29-11A-5
17 NMSA 1978 or a human trafficker required to register pursuant
18 to the Sex Offender Registration and Notification Act shall
19 renew [~~his~~] registration with the county sheriff not less than
20 once in each ninety-day period following the date of the sex
21 offender's or human trafficker's initial registration for the
22 entirety of [~~his~~] the sex offender's or human trafficker's
23 natural life; and

24 (2) a sex offender required to register
25 pursuant to the provisions of Subsection E of Section 29-11A-5

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1 NMSA 1978 shall annually renew [~~his~~] registration with the
2 county sheriff prior to December 31 of each subsequent calendar
3 year for a period of ten years.

4 M. Notwithstanding the provisions of Paragraph (2)
5 of Subsection L of this section, if a sex offender is convicted
6 a second or subsequent time for a sex offense set forth in
7 Subsection E of Section 29-11A-5 NMSA 1978, [~~he~~] the sex
8 offender shall renew [~~his~~] registration with the county sheriff
9 not less than once in each ninety-day period following the date
10 of the [~~sex offender's~~] initial registration for the entirety
11 of [~~his~~] the sex offender's natural life.

12 N. A sex offender or human trafficker who willfully
13 or knowingly fails to comply with the registration requirements
14 set forth in this section is guilty of a fourth degree felony
15 and shall be sentenced pursuant to the provisions of Section
16 31-18-15 NMSA 1978. A sex offender or human trafficker who
17 willfully or knowingly fails to comply with the registration
18 requirements set forth in this section after a first or
19 subsequent conviction for a violation pursuant to this section
20 is guilty of a third degree felony and shall be sentenced
21 pursuant to the provisions of Section 31-18-15 NMSA 1978. The
22 willful failure to comply with any registration requirement set
23 forth in this section shall be deemed part of a continuing
24 transaction or occurrence. A conviction pursuant to this
25 subsection shall not be considered a felony for purposes of the

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1 imposition of sentencing enhancements pursuant to the
2 provisions of Section 31-18-17 NMSA 1978.

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

21 SECTION 3. Section 29-11A-4.1 NMSA 1978 (being Laws 2000,
22 Chapter 8, Section 6, as amended) is amended to read:

23 "29-11A-4.1. PROCEDURES WHEN A SEX OFFENDER OR HUMAN
24 TRAFFICKER MOVES FROM NEW MEXICO TO ANOTHER STATE.--

25 A. If a sex offender or human trafficker intends to

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1 move from New Mexico to another state, no later than thirty
2 days prior to moving to the other state, [~~he~~] the sex offender
3 or human trafficker shall:

4 (1) notify the county sheriff of the county
5 [~~he~~] the sex offender or human trafficker resides in that [~~he~~]
6 the sex offender or human trafficker is moving to the other
7 state; and

8 (2) provide the county sheriff with a written
9 notice that identifies the state to which the sex offender or
10 human trafficker is moving.

11 B. Within five days of receiving a sex offender's
12 or human trafficker's written notice of intent to move to
13 another state, the county sheriff shall transmit that
14 information to the department [~~of public safety~~]. Within five
15 days of receiving that information from a county sheriff, the
16 department shall contact the state agency responsible for
17 registering sex offenders or human traffickers, if applicable,
18 in the state to which the sex offender or human trafficker is
19 moving and the department shall provide that state agency with
20 the registration information [~~regarding the sex offender~~]. The
21 department shall also obtain information regarding registration
22 requirements for sex offenders or human traffickers, if
23 applicable, in the state to which the sex offender or human
24 trafficker is moving. The department shall provide the sex
25 offender or human trafficker with written notification of the

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1 registration requirements in the state to which the sex
2 offender or human trafficker is moving.

3 C. A sex offender or human trafficker who willfully
4 fails to comply with the requirements set forth in this section
5 is guilty of a fourth degree felony and shall be sentenced
6 pursuant to the provisions of Section 31-18-15 NMSA 1978."

7 SECTION 4. Section 29-11A-5 NMSA 1978 (being Laws 1995,
8 Chapter 106, Section 5, as amended by Laws 2007, Chapter 68,
9 Section 2 and by Laws 2007, Chapter 69, Section 6) is amended
10 to read:

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

14 A. A county sheriff shall maintain a local registry
15 of sex offenders and human traffickers in the sheriff's
16 jurisdiction required to register pursuant to the provisions of
17 the Sex Offender Registration and Notification Act.

18 B. The county sheriff shall forward:
19 (1) registration information obtained from sex
20 offenders or human traffickers to the department [~~of public~~
21 ~~safety~~]. The initial registration information and any new
22 registration information subsequently obtained [~~from a sex~~
23 ~~offender~~] shall be forwarded by the county sheriff no later
24 than ten working days after the information is obtained [~~from a~~
25 ~~sex offender~~]. If the department [~~of public safety~~] receives

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1 information regarding a sex offender or human trafficker from a
2 governmental entity other than a county sheriff, the department
3 shall send that information to the sheriff for the county in
4 which the sex offender or human trafficker resides; and

5 (2) samples of DNA obtained from sex offenders
6 or human traffickers to the administrative center for the sex
7 offender DNA identification system or the human trafficker DNA
8 identification system pursuant to the provisions of the DNA
9 Identification Act.

10 C. The department [~~of public safety~~] shall maintain
11 a central registry of sex offenders and human traffickers
12 required to register pursuant to the provisions of the Sex
13 Offender Registration and Notification Act. The department
14 shall participate in the national sex offender registry
15 administered by the United States department of justice and in
16 any human trafficker registry that may be established pursuant
17 to federal law. The department shall send conviction
18 information and fingerprints for all sex offenders registered
19 in New Mexico to the national sex offender registry
20 administered by the United States department of justice and to
21 the federal bureau of investigation.

22 D. The department [~~of public safety~~] shall retain
23 registration information regarding a sex offender convicted for
24 any of the following sex offenses for the entirety of the sex
25 offender's natural life:

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

4 (2) criminal sexual contact of a minor in the
5 second, third or fourth degree, as provided in Section
6 30-9-13 NMSA 1978;

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

9 (4) kidnapping, as provided in Section
10 30-4-1 NMSA 1978, when the victim is less than eighteen years
11 of age and the offender is not a parent of the victim;

12 (5) criminal sexual contact in the fourth
13 degree, as provided in Section 30-9-12 NMSA 1978; or

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

17 E. The department [~~of public safety~~] shall retain
18 registration information regarding a sex offender convicted for
19 the following offenses for a period of ten years following the
20 sex offender's conviction, release from prison or release from
21 probation or parole, whichever occurs later:

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

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

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1 (3) false imprisonment, as provided in Section
2 30-4-3 NMSA 1978, when the victim is less than eighteen years
3 of age and the offender is not a parent of the victim;

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

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

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

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

13 (8) child solicitation by electronic
14 communication device, as provided in Section 30-37-3.2 NMSA
15 1978; or

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

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

25 G. The department shall retain registration

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1 information regarding a human trafficker convicted of human
2 trafficking in the first or second degree, as provided in
3 Section 30-52-1 NMSA 1978 for the entirety of the human
4 trafficker's natural life.

5 [G.] H. The department [~~of public safety~~] shall
6 adopt rules necessary to carry out the provisions of the Sex
7 Offender Registration and Notification Act. Rules necessary
8 for the collection of DNA samples and the administration and
9 operation of the sex offender DNA identification system and the
10 human trafficker DNA identification system shall be adopted by
11 the DNA identification system oversight committee pursuant to
12 the provisions of the DNA Identification Act."

13 SECTION 5. Section 29-11A-5.1 NMSA 1978 (being Laws 1999,
14 Chapter 19, Section 8, as amended) is amended to read:

15 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING
16 CERTAIN REGISTERED SEX OFFENDERS AND HUMAN TRAFFICKERS--ACTIVE
17 COMMUNITY NOTIFICATION--INTERNET WEB SITE.--

18 A. If a sex offender is convicted of one of the
19 following sex offenses, the county sheriff shall forward
20 registration information obtained from the sex offender to the
21 district attorney for the judicial district in which the sex
22 offender resides and, if the sex offender is a resident of a
23 municipality, the chief law enforcement officer for the
24 municipality in which the sex offender resides:

25 (1) aggravated criminal sexual penetration or

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1 criminal sexual penetration in the first, second or third
2 degree, as provided in Section 30-9-11 NMSA 1978;

3 (2) criminal sexual contact of a minor in the
4 second, third or fourth degree, as provided in Section
5 30-9-13 NMSA 1978;

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

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

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

13 B. The county sheriff shall forward registration
14 information obtained from all human traffickers to the district
15 attorney for the judicial district in which the human
16 trafficker resides and, if the human trafficker is a resident
17 of a municipality, the chief law enforcement officer for the
18 municipality in which the human trafficker resides.

19 [~~B.~~] C. A person who wants to obtain registration
20 information regarding sex offenders described in Subsection A
21 of this section or human traffickers described in Subsection B
22 of this section may request that information from the:

23 (1) sheriff for the county in which the sex
24 offenders or human traffickers reside;

25 (2) chief law enforcement officer for the

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1 municipality in which the sex offenders or human traffickers
2 reside;

3 (3) district attorney for the judicial
4 district in which the sex offenders or human traffickers
5 reside; or

6 (4) secretary of public safety.

7 [~~G.~~] D. Upon receiving a request for registration
8 information regarding sex offenders described in Subsection A
9 of this section or human traffickers described in Subsection B
10 of this section, the county sheriff, chief municipal law
11 enforcement officer, district attorney or secretary of public
12 safety shall provide that registration information, with the
13 exception of a sex offender's or human trafficker's social
14 security number and DNA information, within a reasonable period
15 of time, and no later than seven days after receiving the
16 request.

17 [~~D.~~] E. Within seven days of receiving registration
18 information from a sex offender described in Subsection A of
19 this section or from a human trafficker described in Subsection
20 B of this section, the county sheriff shall contact every
21 licensed daycare center, elementary school, middle school and
22 high school within a one-mile radius of the sex offender's or
23 human trafficker's residence and provide them with the sex
24 offender's or human trafficker's registration information, with
25 the exception of the sex offender's or human trafficker's

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1 social security number and DNA information.

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

21 SECTION 6. Section 29-11A-7 NMSA 1978 (being Laws 1995,
22 Chapter 106, Section 7, as amended) is amended to read:

23 "29-11A-7. NOTICE TO SEX OFFENDERS AND HUMAN TRAFFICKERS
24 OF DUTY TO REGISTER.--

25 A. A court shall provide a sex offender or human

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1 trafficker convicted in that court with written notice of [~~his~~]
2 the duty to register pursuant to the provisions of the Sex
3 Offender Registration and Notification Act. The written notice
4 shall be included in judgment and sentence forms provided to
5 the sex offender or human trafficker. The written notice shall
6 inform the sex offender [~~that he is required~~] or human
7 trafficker of the duty to:

8 (1) register with the county sheriff for the
9 county in which the sex offender or human trafficker will
10 reside or, if the sex offender or human trafficker will not
11 have an established residence, with the county sheriff for each
12 county in which the sex offender or human trafficker will live
13 or be temporarily located pursuant to the provisions of the Sex
14 Offender Registration and Notification Act;

15 (2) report subsequent changes of address
16 pursuant to the provisions of the Sex Offender Registration and
17 Notification Act;

18 (3) notify the county sheriff of the county
19 [~~he~~] the sex offender or human trafficker resides in if the sex
20 offender or human trafficker intends to move to another state
21 and that the sex offender or human trafficker is required to
22 register in the other state pursuant to the provisions of the
23 Sex Offender Registration and Notification Act;

24 (4) disclose [~~his~~] the sex offender's or human
25 trafficker's status as a sex offender or human trafficker in

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1 writing when [~~he~~] the sex offender or human trafficker begins
2 employment, begins a vocation or enrolls as a student at an
3 institution of higher education in New Mexico to the county
4 sheriff for the county in which the institution of higher
5 education is located and to the law enforcement entity and
6 registrar for the institution of higher education pursuant to
7 the provisions of the Sex Offender Registration and
8 Notification Act;

9 (5) provide written notice of any change
10 regarding [~~his~~] the sex offender's or human trafficker's
11 employment, vocation or enrollment status at an institution of
12 higher education to the county sheriff, the law enforcement
13 entity and the registrar pursuant to the provisions of the Sex
14 Offender Registration and Notification Act;

15 (6) disclose [~~his~~] the sex offender's status
16 as a sex offender or the human trafficker's status as a human
17 trafficker in writing, when [~~he~~] the sex offender or human
18 trafficker enrolls as a student at a private or public school
19 in New Mexico, to the county sheriff for the county in which
20 the school is located and to the principal of the school
21 pursuant to the provisions of the Sex Offender Registration and
22 Notification Act;

23 (7) provide written notice of any change
24 regarding [~~his~~] the sex offender's or human trafficker's
25 enrollment status at a public or private school in New Mexico

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1 to the county sheriff and the principal of the school pursuant
2 to the provisions of the Sex Offender Registration and
3 Notification Act;

4 (8) disclose [~~his~~] the sex offender's status
5 as a sex offender or the human trafficker's status as a human
6 trafficker in writing to [~~his~~] the sex offender's or human
7 trafficker's employer, supervisor or other person similarly
8 situated when [~~he~~] the sex offender or human trafficker begins
9 employment, begins a vocation or volunteers [~~his~~] the sex
10 offender's or human trafficker's services, regardless of
11 whether [~~the sex offender receives~~] payment or other
12 compensation is received, pursuant to the provisions of the Sex
13 Offender Registration and Notification Act; and

14 (9) read and sign a form that indicates that
15 the sex offender or human trafficker has received the written
16 notice and that a responsible court official, designated by the
17 chief judge for that judicial district, [~~has~~] explained the
18 written notice [~~to the sex offender~~].

19 B. The corrections department, a municipal or
20 county jail or a detention center, at the time of release of a
21 sex offender or human trafficker in its custody, shall provide
22 a written notice to the sex offender or human trafficker of
23 [~~his~~] the duty to register, pursuant to the provisions of the
24 Sex Offender Registration and Notification Act. The written
25 notice shall inform the sex offender [~~that he is required~~] or

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1 human trafficker of the requirement to:

2 (1) register with the county sheriff for the
3 county in which the sex offender or human trafficker will
4 reside or, if the sex offender or human trafficker will not
5 have an established residence, with the county sheriff for each
6 county in which the sex offender or human trafficker will live
7 or be temporarily located pursuant to the provisions of the Sex
8 Offender Registration and Notification Act;

9 (2) report subsequent changes of address
10 pursuant to the provisions of the Sex Offender Registration and
11 Notification Act;

12 (3) notify the county sheriff of the county
13 [~~he~~] the sex offender or human trafficker resides in if the sex
14 offender or human trafficker intends to move to another state
15 and that the sex offender or human trafficker is required to
16 register in the other state pursuant to the provisions of the
17 Sex Offender Registration and Notification Act;

18 (4) disclose [~~his~~] the sex offender's status
19 as a sex offender or the human trafficker's status as a human
20 trafficker in writing when [~~he~~] the sex offender or human
21 trafficker begins employment, begins a vocation or enrolls as a
22 student at an institution of higher education in New Mexico to
23 the county sheriff for the county in which the institution of
24 higher education is located and to the law enforcement entity
25 and registrar for the institution of higher education pursuant

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1 to the provisions of the Sex Offender Registration and
2 Notification Act;

3 (5) provide written notice of any change
4 regarding [~~his~~] the sex offender's or human trafficker's
5 employment, vocation or enrollment status at an institution of
6 higher education to the county sheriff, the law enforcement
7 entity and the registrar pursuant to the provisions of the Sex
8 Offender Registration and Notification Act;

9 (6) disclose [~~his~~] the sex offender's status
10 as a sex offender or the human trafficker's status as a human
11 trafficker in writing, when [~~he~~] the sex offender or human
12 trafficker enrolls as a student at a private or public school
13 in New Mexico, to the county sheriff for the county in which
14 the school is located and to the principal of the school
15 pursuant to the provisions of the Sex Offender Registration and
16 Notification Act;

17 (7) provide written notice of any change
18 regarding [~~his~~] the sex offender's or human trafficker's
19 enrollment status at a public or private school in New Mexico
20 to the county sheriff and the principal of the school pursuant
21 to the provisions of the Sex Offender Registration and
22 Notification Act;

23 (8) disclose [~~his~~] the sex offender's status
24 as a sex offender or the human trafficker's status as a human
25 trafficker in writing to [~~his~~] the sex offender's or human

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1 trafficker's employer, supervisor or other person similarly
2 situated when [~~he~~] the sex offender or human trafficker begins
3 employment, begins a vocation or volunteers [~~his~~] the sex
4 offender's or human trafficker's services, regardless of
5 whether [~~the sex offender receives~~] payment or other
6 compensation is received, pursuant to the provisions of the Sex
7 Offender Registration and Notification Act; and

8 (9) read and sign a form that indicates that
9 the sex offender or human trafficker has received the written
10 notice and that a responsible corrections department official,
11 designated by the secretary of corrections, or a responsible
12 municipal or county jail official or detention center official
13 has explained the written notice [~~to the sex offender~~].

14 C. A court, the corrections department, a municipal
15 or county jail or a detention center shall also provide written
16 notification regarding a sex offender's or human trafficker's
17 release to the sheriff of the county in which the sex offender
18 or human trafficker is released and to the department [~~of~~
19 ~~public safety~~].

20 D. The department [~~of public safety~~], at the time
21 it is notified by officials from another state that a sex
22 offender or human trafficker will be establishing residence in
23 New Mexico, shall provide written notice to the sex offender or
24 human trafficker of [~~his~~] the duty to register pursuant to the
25 provisions of the Sex Offender Registration and Notification

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1 Act."

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

4 "29-11A-9. STATE PREEMPTION--SAVING CLAUSE.--

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

12 B. After January 18, 2005, cities, counties, home
13 rule municipalities and other political subdivisions of the
14 state are prohibited from adopting or amending an ordinance,
15 rule, regulation or resolution on sex offender or human
16 trafficker registration and notification. An ordinance in
17 effect on January 18, 2005 shall continue in force and effect
18 until repealed; provided that the ordinance shall only continue
19 in force and effect with regard to sex offenders who are
20 required to register pursuant to the provisions of the
21 ordinance but who are not required to register pursuant to the
22 provisions of the Sex Offender Registration and Notification
23 Act. All other sex offenders shall register pursuant to the
24 provisions of the Sex Offender Registration and Notification
25 Act."

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1 SECTION 8. Section 29-16-2 NMSA 1978 (being Laws 1997,
2 Chapter 105, Section 2, as amended) is amended to read:

3 "29-16-2. PURPOSE OF ACT.--The purpose of the DNA
4 Identification Act is to:

5 A. establish a DNA identification system for
6 covered offenders and persons required to provide a DNA sample
7 pursuant to the provisions of Section [~~1 of this 2006 act~~]
8 29-3-10 NMSA 1978;

9 B. facilitate the use of DNA records by local,
10 state and federal law enforcement agencies in the:

11 (1) identification, detection or exclusion of
12 persons in connection with criminal investigations; and

13 (2) registration of sex offenders and human
14 traffickers required to register pursuant to the provisions of
15 the Sex Offender Registration and Notification Act;

16 C. establish a missing persons DNA identification
17 system consisting of the following DNA indexes:

18 (1) unidentified persons;

19 (2) unidentified human remains; and

20 (3) relatives of, or known reference samples
21 from, missing persons; and

22 D. facilitate the use of DNA records by local,
23 state and federal law enforcement agencies and the state
24 medical investigator in the identification and location of
25 missing and unidentified persons or human remains."

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1 SECTION 9. Section 29-16-3 NMSA 1978 (being Laws 1997,
2 Chapter 105, Section 3, as amended) is amended to read:

3 "29-16-3. DEFINITIONS.--As used in the DNA Identification
4 Act:

5 A. "administrative center" means the part of a
6 national DNA index system qualified New Mexico crime laboratory
7 that administers and operates the DNA identification system;

8 B. "CODIS" means the federal bureau of
9 investigation's national DNA index system for storage and
10 exchange of DNA records submitted by forensic DNA laboratories;

11 C. "covered offender" means any person convicted of
12 a felony offense as an adult pursuant to state, federal or
13 military law or convicted as an adult pursuant to youthful
14 offender or serious youthful offender proceedings under the
15 Children's Code or a sex offender or human trafficker required
16 to register pursuant to the provisions of the Sex Offender
17 Registration and Notification Act;

18 D. "department" means the department of public
19 safety;

20 E. "DNA" means deoxyribonucleic acid as the basis
21 of human heredity;

22 F. "DNA identification system" means the DNA
23 identification system established pursuant to the DNA
24 Identification Act;

25 G. "DNA oversight committee" means the DNA

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1 identification system oversight committee;

2 H. "DNA records" means the results of DNA testing
3 and related information;

4 I. "DNA testing" means a forensic DNA analysis that
5 includes restriction fragment length polymorphism, polymerase
6 chain reaction or other valid methods of DNA typing performed
7 to obtain identification characteristics of samples;

8 J. "fund" means the DNA identification system fund;

9 K. "human trafficker DNA identification system"
10 means the human trafficker DNA identification system
11 established by the DNA Identification Act;

12 [~~K.~~] L. "missing persons DNA identification system"
13 means the missing persons DNA identification system established
14 by the DNA Identification Act;

15 [~~L.~~] M. "sample" means a sample of biological
16 material sufficient for DNA testing; and

17 [~~M.~~] N. "sex offender DNA identification system"
18 means the sex offender DNA identification system established by
19 the DNA Identification Act."

20 SECTION 10. Section 29-16-4 NMSA 1978 (being Laws 1997,
21 Chapter 105, Section 4, as amended) is amended to read:

22 "29-16-4. ADMINISTRATIVE CENTER--POWERS AND DUTIES--
23 TRANSFER TO OTHER LAW ENFORCEMENT AGENCY.--

24 A. The administrative center shall be an
25 appropriate unit of the department or such other qualified New

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1 Mexico law enforcement agency as the secretary of public safety
2 may designate in accordance with this section that meets the
3 requirements for participation in the national DNA index
4 system.

5 B. The administrative center shall:

6 (1) establish and administer the DNA
7 identification system. The DNA identification system shall
8 provide for collection, storage, DNA testing, maintenance and
9 comparison of samples and DNA records for forensic and
10 humanitarian purposes. Those purposes shall include generation
11 of investigative leads, statistical analysis of DNA profiles
12 and identification of missing persons and unidentified human
13 remains. Procedures used for DNA testing shall be compatible
14 with the procedures the federal bureau of investigation has
15 specified, including comparable test procedures, laboratory
16 equipment, supplies and computer software. Procedures used
17 shall meet or exceed the provisions of the federal DNA
18 Identification Act of 1994 regarding minimum standards for
19 state participation in CODIS, including minimum standards for
20 the acceptance, security and dissemination of DNA records;

21 (2) coordinate sample collection activities;

22 (3) perform or contract for DNA testing;

23 (4) serve as a repository for samples and DNA
24 records;

25 (5) act as liaison with the federal bureau of

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1 investigation for purposes of CODIS;

2 (6) adopt rules and procedures governing:

3 (a) sample collection;

4 (b) DNA testing;

5 (c) the DNA identification system and
6 DNA records;

7 (d) the acceptance, security and
8 dissemination of DNA records; and

9 (e) communication between local, state
10 and federal law enforcement agencies, the corrections
11 department and local jails and detention facilities in order to
12 minimize duplicate sample collections from the same individual;

13 (7) provide training to jail and detention
14 facility personnel who are required to collect samples pursuant
15 to Section 29-3-10 NMSA 1978;

16 (8) be reimbursed for, pursuant to the DNA
17 Identification Act, the costs of sample collection and DNA
18 testing of samples taken for the purposes of the identification
19 of missing persons and unidentified human remains;

20 (9) establish and administer the missing
21 persons DNA identification system as a part of the DNA
22 identification system; ~~and~~

23 (10) establish and administer the sex offender
24 DNA identification system as part of the DNA identification
25 system; and

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1 (11) establish and administer the human
2 trafficker DNA identification system as part of the DNA
3 identification system.

4 C. The secretary of public safety may designate,
5 pursuant to a joint powers agreement, the crime laboratory of
6 the police department for the largest municipality in a class A
7 county having a population of more than two hundred fifty
8 thousand at the most recent federal decennial census to act as
9 the administrative center.

10 D. The secretary of public safety may designate,
11 pursuant to a joint powers agreement, any other law enforcement
12 agency to act as administrative center upon recommendation of
13 five voting members of the DNA oversight committee."

14 SECTION 11. Section 29-16-5 NMSA 1978 (being Laws 1997,
15 Chapter 105, Section 5, as amended) is amended to read:

16 "29-16-5. DNA OVERSIGHT COMMITTEE--CREATED--POWERS AND
17 DUTIES.--

18 A. The "DNA identification system oversight
19 committee" is created. The DNA oversight committee shall be
20 composed of nine voting members as follows:

21 (1) a scientific representative from the
22 department crime laboratory appointed by the secretary of
23 public safety;

24 (2) a scientific representative from the crime
25 laboratory of the police department for the largest

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1 municipality in a class A county having a population of more
2 than two hundred fifty thousand at the most recent federal
3 decennial census;

4 (3) the secretary of corrections or the
5 secretary's designated representative;

6 (4) the state medical investigator or the
7 investigator's designated representative;

8 (5) the attorney general or the attorney
9 general's designated representative;

10 (6) the president of the New Mexico district
11 attorneys association or the president's designated
12 representative;

13 (7) the chief public defender or the chief
14 public defender's designated representative;

15 (8) the president of the New Mexico criminal
16 defense lawyers association or the president's designated
17 representative; and

18 (9) the head of the administrative center or
19 the head's designated representative.

20 B. The DNA oversight committee shall adopt rules
21 and procedures regarding the administration and operation of
22 the DNA identification system.

23 C. The administrative center shall review and make
24 recommendations to the DNA oversight committee regarding rules
25 and procedures for the administration and operation of the DNA

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1 identification system.

2 D. The DNA oversight committee shall oversee the
3 establishment and administration of the missing persons DNA
4 identification system as part of the DNA identification system.

5 E. The DNA oversight committee shall adopt rules
6 and procedures regarding the administration and operation of
7 the missing persons DNA identification system as part of the
8 DNA identification system.

9 F. The DNA oversight committee shall oversee the
10 establishment and administration of the sex offender DNA
11 identification system as part of the DNA identification system.

12 G. The DNA oversight committee shall adopt rules
13 and procedures regarding the administration and operation of
14 the sex offender DNA identification system as part of the DNA
15 identification system.

16 H. The DNA oversight committee shall oversee the
17 establishment and administration of the human trafficker DNA
18 identification system as part of the DNA identification system.

19 I. The DNA oversight committee shall adopt rules
20 and procedures regarding the administration and operation of
21 the human trafficker DNA identification system as part of the
22 DNA identification system."

23 SECTION 12. Section 29-16-6 NMSA 1978 (being Laws 1997,
24 Chapter 105, Section 6, as amended) is amended to read:

25 "29-16-6. COLLECTION OF SAMPLES.--

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1 A. A covered offender shall provide one or more
2 samples to the administrative center, as follows:

3 (1) a covered offender convicted on or after
4 July 1, 1997 shall provide a sample immediately upon request to
5 the corrections department as long as the request is made
6 before release from any correctional facility or, if the
7 covered offender is not sentenced to incarceration, before the
8 end of any period of probation or other supervised release;

9 (2) a covered offender incarcerated on or
10 after July 1, 1997 shall provide a sample immediately upon
11 request to the corrections department as long as the request is
12 made before release from any correctional facility;

13 (3) a covered offender on probation or other
14 supervised release on or after July 1, 1997 shall provide a
15 sample immediately upon request to the corrections department
16 as long as the request is made before the end of any period of
17 probation or other supervised release; and

18 (4) a covered offender required to register or
19 renew [~~his~~] the covered offender's registration pursuant to the
20 provisions of the Sex Offender Registration and Notification
21 Act shall provide a sample immediately upon request to the
22 county sheriff located in any county in which the [~~sex~~] covered
23 offender is required to register, unless the [~~sex~~] covered
24 offender provided a sample while in the custody of the
25 corrections department or to the county sheriff of another

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1 county in New Mexico in which the [~~sex~~] covered offender is
2 registered.

3 B. A person eighteen years of age or over who is
4 arrested on or after January 1, 2007 for the commission of a
5 felony as provided in Section [~~1 of this 2006 act~~] 29-3-10 NMSA
6 1978 shall provide a sample immediately upon request to jail or
7 detention facility personnel, unless:

8 (1) the person has previously provided a
9 sample sufficient for DNA testing pursuant to the provisions of
10 this section;

11 (2) the sample is in the possession of the
12 administrative center; and

13 (3) the sample has not been expunged.

14 C. Samples from unidentified persons or relatives
15 of a missing person shall be provided to the administrative
16 center, as follows:

17 (1) upon the completion of a permission to
18 search form authorizing the collection of a DNA sample;

19 (2) upon the receipt of a properly executed
20 search warrant; or

21 (3) upon the issuance of a court order.

22 D. Samples from unidentified human remains shall be
23 provided by the state medical investigator.

24 E. Samples of known reference materials from
25 missing persons shall be provided by the investigating law

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1 enforcement agency."

2 SECTION 13. Section 30-52-1 NMSA 1978 (being Laws 2008,
3 Chapter 17, Section 1) is amended to read:

4 "30-52-1. HUMAN TRAFFICKING.--

5 A. Human trafficking consists of a person
6 knowingly:

7 (1) recruiting, soliciting, enticing,
8 transporting, [~~or~~] obtaining or attempting to obtain by any
9 means another person with the intent or knowledge that force,
10 fraud or coercion will be used to subject the person to labor,
11 services or commercial sexual activity;

12 (2) recruiting, soliciting, enticing,
13 transporting, [~~or~~] obtaining or attempting to obtain by any
14 means a person [~~under~~] younger than the age of eighteen years
15 with the intent or knowledge that the person will be caused to
16 engage in commercial sexual activity; or

17 (3) benefiting, financially or by receiving
18 anything of value, from the labor, services or commercial
19 sexual activity of another person with the knowledge that
20 force, fraud or coercion was used to obtain the labor, services
21 or commercial sexual activity.

22 B. The attorney general and the district attorney
23 in the county of jurisdiction have concurrent jurisdiction to
24 enforce the provisions of this section.

25 C. Whoever commits human trafficking is guilty of a

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1 ~~[third]~~ second degree felony, except if the victim is under the
2 age of

3 ~~[(1) sixteen, the person is guilty of a second~~
4 ~~degree felony; or~~

5 ~~(2) thirteen]~~ sixteen, the person is guilty of
6 a first degree felony. Whoever attempts to commit human
7 trafficking is guilty of a third degree felony; except if the
8 victim is under the age of sixteen, the person is guilty of a
9 second degree felony.

10 D. Prosecution pursuant to this section shall not
11 prevent prosecution pursuant to any other provision of the law
12 when the conduct also constitutes a violation of that other
13 provision.

14 E. In a prosecution pursuant to this section, a
15 human trafficking victim shall not be charged with accessory to
16 the crime of human trafficking, nor shall the victim be charged
17 with nonhomicide crimes committed due to coercion caused by a
18 person committing human trafficking or by duress when the
19 victim feared immediate great bodily harm to the victim's self
20 or another if the victim did not commit the crime and if a
21 reasonable person would have acted in the same way under the
22 circumstances.

23 F. A person convicted of human trafficking shall,
24 in addition to any other punishment, be ordered to make
25 restitution to the victim for the gross income or value of the

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1 victim's labor or services and any other actual damages in
2 accordance with Section 31-17-1 NMSA 1978.

3 G. A person convicted of human trafficking shall,
4 in addition to any other punishment, be required to register as
5 a human trafficker in accordance with the Sex Offender
6 Registration and Notification Act if the trafficking offense
7 involves commercial sexual activity.

8 [~~G.~~] H. As used in this section:

- 9 (1) "coercion" means:
- 10 (a) causing or threatening to cause harm
 - 11 to any person;
 - 12 (b) using or threatening to use physical
 - 13 force against any person;
 - 14 (c) abusing or threatening to abuse the
 - 15 law or legal process;
 - 16 (d) threatening to report the
 - 17 immigration status of any person to governmental authorities;
 - 18 or
 - 19 (e) knowingly destroying, concealing,
 - 20 removing, confiscating or retaining any actual or purported
 - 21 government document of any person; and

22 (2) "commercial sexual activity" means any
23 sexual act or sexually explicit exhibition for which anything
24 of value is given, promised to or received by any person."

25 **SECTION 14. EFFECTIVE DATE.**--The effective date of the
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1 provisions of this act is July 1, 2013.

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