

HOUSE BILL 570

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

INTRODUCED BY

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AN ACT

RELATING TO SEX OFFENDERS; PROVIDING FOR THREE TIERS OF SEX
OFFENSES AND REGISTRATION PERIODS; SHIFTING REGISTRATION DUTIES
FROM THE COUNTY SHERIFFS TO THE DEPARTMENT OF PUBLIC SAFETY;
REQUIRING REGISTRATION AND NOTIFICATION FOR ADDITIONAL SEX
OFFENSES; REQUIRING ADDITIONAL REGISTRATION INFORMATION;
PROVIDING CREDIT FOR REGISTRATION IN OTHER JURISDICTIONS OR
WHILE ON SUPERVISION; DECREASING FIFTEEN-YEAR REGISTRATION TO
TEN YEARS IN CERTAIN CIRCUMSTANCES; REQUIRING SEX OFFENDERS TO
REGISTER AND UPDATE INFORMATION WITHIN FIVE BUSINESS DAYS;
PROVIDING FOR VERIFICATION OF REGISTRATION; PROVIDING FOR
ELECTRONIC UPDATES; INCLUDING ADDITIONAL OFFENDERS ON THE SEX
OFFENDER INTERNET WEB SITE; REQUIRING THAT CERTAIN CRIMES BE
COMMITTED WITH SEXUAL INTENT BEFORE THEY ARE DEEMED A SEX
OFFENSE; EXPANDING THE DEFINITION OF "SEX OFFENDER"; PROVIDING
FOR INFORMATION TO BE AVAILABLE ON THE SEX OFFENDER INTERNET

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1 WEB SITE; REITERATING STATE PREEMPTION OF THE FIELD OF SEX
2 OFFENDER REGISTRATION BY PROHIBITING LAW ENFORCEMENT FROM
3 REQUIRING ADDITIONAL REGISTRATION OR FROM IMPOSING OTHER
4 RESTRICTIONS; PROVIDING DEFINITIONS; RECONCILING MULTIPLE
5 AMENDMENTS TO THE SAME SECTIONS OF LAW IN LAWS 2007.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 29-11A-2 NMSA 1978 (being Laws 1995,
9 Chapter 106, Section 2, as amended) is amended to read:

10 "29-11A-2. FINDINGS--PURPOSE.--

11 A. The legislature finds that:

12 (1) sex offenders pose a significant risk of
13 recidivism; and

14 (2) the efforts of law enforcement agencies to
15 protect their communities from sex offenders are impaired by
16 the lack of information available concerning convicted sex
17 offenders who live within the agencies' jurisdictions.

18 B. The purpose of the Sex Offender Registration and
19 Notification Act is to assist law enforcement agencies' efforts
20 to protect their communities by:

21 (1) requiring a sex [offenders] offender who
22 [are residents] is a resident of New Mexico to register with
23 the [county sheriff of the county in which the sex offender
24 resides] proper registration officer;

25 (2) requiring a sex [offenders] offender who

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1 ~~[are residents]~~ is a resident in ~~[other states]~~ another state,
2 but who ~~[are]~~ is employed in New Mexico or who ~~[attend]~~ attends
3 school in New Mexico, to register with the ~~[county sheriff of~~
4 ~~the county in which the sex offender works or attends school]~~
5 proper registration officer;

6 (3) requiring the establishment of a central
7 registry for sex offenders; and

8 (4) providing public access to information
9 regarding certain registered sex offenders."

10 SECTION 2. Section 29-11A-3 NMSA 1978 (being Laws 1995,
11 Chapter 106, Section 3, as amended by Laws 2007, Chapter 68,
12 Section 1 and by Laws 2007, Chapter 69, Section 5) is amended
13 to read:

14 "29-11A-3. DEFINITIONS.--As used in the Sex Offender
15 Registration and Notification Act:

16 A. "business day" means a day that is not a
17 Saturday, a Sunday or a state holiday;

18 ~~[A-]~~ B. "conviction" means a conviction in any
19 court of competent jurisdiction and includes a deferred
20 sentence, but does not include a conditional discharge;

21 C. "department" means the department of public
22 safety;

23 ~~[B-]~~ D. "institution of higher education" means a:

24 (1) private or public post-secondary
25 educational institution;

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1 (2) trade school; or

2 (3) professional school;

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

6 F. "out-of-state registrant" means any person who
7 establishes a residence, becomes employed, attends school or is
8 physically present in New Mexico for ten or more consecutive
9 days or thirty aggregate days in a calendar year while the
10 person is required to register as a sex offender in that
11 jurisdiction;

12 G. "proper registration officer" means the
13 department of public safety;

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

20 [~~D.~~] I. "sex offender" means a person who:

21 (1) is a resident of New Mexico who is
22 convicted of a sex offense pursuant to state, federal, tribal
23 or military law;

24 (2) changes residence to New Mexico, when that
25 person has been convicted of a sex offense pursuant to state,

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1 federal, tribal or military law or pursuant to the law of a
2 foreign nation and is required to register as a sex offender in
3 that jurisdiction;

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

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

12 (a) employed full time or part time in
13 New Mexico for a period of time exceeding fourteen days or for
14 an aggregate period of time exceeding thirty days during any
15 calendar year, including any employment or vocation, whether
16 financially compensated, volunteered or for the purpose of
17 government or educational benefit; or

18 (b) enrolled on a full-time or
19 part-time basis in a private or public school or an institution
20 of higher education in New Mexico; ~~and~~

21 ~~E.]~~ J. "sex offense" means any of the following
22 offenses ~~[or their equivalents in any other jurisdiction]:~~

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

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

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

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

10 (6) kidnapping, as provided in Section
11 30-4-1 NMSA 1978, when committed with the intent to inflict a
12 sexual offense and when the victim is [~~less~~] younger than
13 eighteen years of age and the offender is not a parent of the
14 victim;

15 (7) false imprisonment, as provided in Section
16 30-4-3 NMSA 1978, when committed with the intent to inflict a
17 sexual offense and the victim is [~~less~~] younger than eighteen
18 years of age and the offender is not a parent of the victim;

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

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

23 (10) incest, as provided in Section 30-10-3
24 NMSA 1978, when the victim is [~~less~~] younger than eighteen
25 years of age;

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1 (11) patronizing prostitutes, as provided in
2 Subsection B of Section 30-9-3 NMSA 1978, when there is a
3 separate finding of fact that the offender knew or should have
4 known that the person believed to be a prostitute was younger
5 than sixteen years of age;

6 (12) promoting prostitution, as provided in
7 Section 30-9-4 NMSA 1978, when there is a separate finding of
8 fact that the offender knew or should have known that the
9 victim was younger than sixteen years of age;

10 (13) accepting earnings of a prostitute, as
11 provided in Section 30-9-4.1 NMSA 1978, when there is a
12 separate finding of fact that the offender knew or should have
13 known that the person engaged in prostitution was younger than
14 sixteen years of age;

15 (14) human trafficking, as provided in Section
16 30-52-1 NMSA 1978, for a sexual purpose, when the victim is
17 younger than sixteen years of age;

18 (15) criminal sexual communication with a
19 child, as provided in Section 30-37-3.3 NMSA 1978;

20 [~~(11)~~] (16) child solicitation by electronic
21 communication device, as provided in Section 30-37-3.2 NMSA
22 1978, when the offender appears for, attends or is present at a
23 meeting that the offender arranges pursuant to the
24 solicitation;

25 [~~(12)~~] (17) solicitation to commit criminal

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1 sexual contact of a minor in the second, third or fourth
2 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;
3 or

4 [~~(13)~~] (18) attempt to commit any of the sex
5 offenses set forth in Paragraphs (1) through [~~(11)~~] (15) of
6 this subsection, as provided in Section 30-28-1 NMSA 1978;

7 K. "social networking site" means an internet web
8 site that facilitates online social interaction by offering a
9 mechanism for communication with other users, where such users
10 are likely to include a substantial number of minors under the
11 age of sixteen, and allowing users, through the creation of web
12 pages, profiles or other means, to provide information about
13 themselves that is available to the public or to other users;

14 L. "tier I sex offense" means any of the following
15 sex offenses:

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

18 (2) sexual exploitation of children, as
19 provided in Subsection A of Section 30-6A-3 NMSA 1978;

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

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

24 (5) attempt to commit any of the offenses set
25 forth in Paragraphs (1) through (4) of this subsection, as

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1 provided in Section 30-28-1 NMSA 1978;

2 M. "tier II sex offense" means any of the following
3 sex offenses:

4 (1) sexual exploitation of children, as
5 provided in Subsections B through F of Section 30-6A-3 NMSA
6 1978;

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

9 (3) false imprisonment, as provided in Section
10 30-4-3 NMSA 1978, committed with the intent to inflict a sexual
11 offense;

12 (4) patronizing prostitutes, as provided in
13 Subsection B of Section 30-9-3 NMSA 1978, when there is a
14 separate finding of fact that the offender knew or should have
15 known that the person believed to be a prostitute was younger
16 than sixteen years of age;

17 (5) promoting prostitution, as provided in
18 Section 30-9-4 NMSA 1978, when there is a separate finding of
19 fact that the offender knew or should have known that the
20 victim was younger than sixteen years of age;

21 (6) accepting earnings of a prostitute, as
22 provided in Section 30-9-4.1 NMSA 1978, when there is a
23 separate finding of fact that the offender knew or should have
24 known that the person engaged in prostitution was younger than
25 sixteen years of age;

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1 (7) criminal sexual penetration in the fourth
2 degree, as provided in Section 30-9-11 NMSA 1978, when the
3 victim is sixteen years of age or older;

4 (8) criminal sexual contact of a minor, as
5 provided in Section 30-9-13 NMSA 1978, when the victim is
6 thirteen to eighteen years of age;

7 (9) incest, as provided in Section 30-10-3
8 NMSA 1978, when the victim is over sixteen but younger than
9 eighteen years of age;

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

12 (11) human trafficking, as provided in Section
13 30-52-1 NMSA 1978, for a sexual purpose, when the victim is
14 younger than sixteen years of age;

15 (12) child solicitation by electronic
16 communication device, as provided in Subsection C of Section
17 30-37-3.2 NMSA 1978 when the offender appears for, attends or
18 is present at a meeting that the offender arranges pursuant to
19 the solicitation;

20 (13) solicitation to commit criminal sexual
21 contact of a minor, as provided in Sections 30-9-13 and 30-28-3
22 NMSA 1978; or

23 (14) attempt to commit any of the offenses set
24 forth in Paragraphs (1) through (11) of this subsection, as
25 provided in Section 30-28-1 NMSA 1978; and

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1 N. "tier III sex offense" means any of the
2 following sex offenses:
3 (1) kidnapping, as provided in Section 30-4-1
4 NMSA 1978, when committed with intent to inflict a sexual
5 offense and when the victim is younger than eighteen years of
6 age;
7 (2) aggravated criminal sexual penetration or
8 criminal sexual penetration in the first, second or third
9 degree, as provided in Section 30-9-11 NMSA 1978;
10 (3) criminal sexual penetration in the fourth
11 degree as provided in Section 30-9-11 NMSA 1978, when the
12 victim is under sixteen years of age;
13 (4) criminal sexual contact of a minor, as
14 provided in Section 30-9-13 NMSA 1978, when the victim is
15 younger than thirteen years of age;
16 (5) incest, as provided in Section 30-10-3
17 NMSA 1978, when the victim is younger than sixteen years of
18 age; or
19 (6) attempt to commit any of the offenses set
20 forth in Paragraphs (1) through (5) of this subsection, as
21 provided in Section 30-28-1 NMSA 1978."

22 SECTION 3. Section 29-11A-4 NMSA 1978 (being Laws 1995,
23 Chapter 106, Section 4, as amended) is amended to read:

24 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION
25 REQUIRED--VERIFICATION--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

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1 A. A sex offender residing in this state shall
2 register with the [~~county sheriff for the county in which the~~
3 ~~sex offender resides~~] proper registration officer.

4 B. A sex offender who is a resident of New Mexico
5 shall initially register with the [~~county sheriff~~] proper
6 registration officer no later than [~~ten~~] five business days
7 after being released from the custody of the corrections
8 department, a municipal or county jail or a federal, military
9 or tribal correctional facility or detention center or being
10 placed on probation or parole. A sex offender who changes
11 [~~his~~] residence to New Mexico shall register with the [~~county~~
12 ~~sheriff~~] proper registration officer no later than [~~ten~~] five
13 business days after [~~his~~] arrival in this state. When a sex
14 offender initially registers, [~~with the county sheriff, he~~] the
15 sex offender shall provide the following registration
16 information:

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

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

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

23 (4) [~~his~~] the sex offender's current physical
24 and mailing address and the address of every place where the
25 sex offender habitually lives;

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1 (5) [~~his~~] the sex offender's place of
2 employment;

3 (6) the sex offense for which [~~he~~] the sex
4 offender was convicted; [~~and~~]

5 (7) the date and place of [~~his~~] the sex
6 offense conviction;

7 (8) the sex offender's names, email addresses
8 and monikers and other self-identifiers used on social
9 networking sites, to be used only for law enforcement purposes;

10 (9) the sex offender's landline and cellular
11 telephone numbers and any other telephone numbers primarily
12 used by the sex offender;

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

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

17 (12) the name and address of any school or
18 institution of higher education that the sex offender is
19 attending; and

20 (13) copies of the sex offender's passport and
21 immigration documents.

22 C. A sex offender who is a resident of another
23 state but who is employed in New Mexico or attending public or
24 private school or an institution of higher education in New
25 Mexico shall register with the [~~county sheriff for the county~~

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1 ~~in which the sex offender is working or attending school or an~~
2 ~~institution of higher education.~~

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

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

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

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

17 (4) [~~his~~] the sex offender's current physical
18 and mailing address and the address of every place where the
19 sex offender habitually lives in [~~his~~] the sex offender's state
20 of residence and, if applicable, the address of [~~his~~] the sex
21 offender's place of lodging in New Mexico while [~~he is~~] working
22 or attending school or an institution of higher education;

23 (5) [~~his~~] the sex offender's place of
24 employment or the name of the school [~~he~~] the sex offender is
25 attending;

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1 (6) the sex offense for which [~~he~~] the sex
2 offender was convicted; [~~and~~]

3 (7) the date and place of [~~his~~] the sex
4 offense conviction;

5 (8) the sex offender's names, email addresses
6 and monikers and other self-identifiers used on social
7 networking sites, to be used only for law enforcement purposes;

8 (9) the sex offender's landline and cellular
9 telephone numbers and any other telephone numbers primarily
10 used by the sex offender;

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

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

15 (12) the name and address of any school or
16 institution of higher education that the sex offender is
17 attending; and

18 (13) copies of the sex offender's passport and
19 immigration documents.

20 [~~E.~~] D. When a sex offender registers, [~~with a~~
21 ~~county sheriff, the sheriff~~] the proper registration officer
22 shall obtain:

23 (1) a photograph of the sex offender and a
24 complete set of the sex offender's fingerprints and a palm
25 print;

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

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

8 [~~F.~~] E. When a sex offender who is registered
9 changes [~~his residence within the same county~~] any information
10 required under this section, the sex offender shall send
11 written notice of [~~his~~] the change [~~of address~~] on a form
12 approved by the department to the [~~county sheriff~~] proper
13 registration officer no later than [~~ten~~] five business days
14 after [~~establishing his new residence~~] the change occurs.

15 [~~G.~~ ~~When a sex offender who is registered changes~~
16 ~~his residence to a new county in New Mexico, the sex offender~~
17 ~~shall: register with the county sheriff of the new county no~~
18 ~~later than ten days after establishing his new residence; The~~
19 ~~sex offender shall also send written notice of the change in~~
20 ~~residence to the county sheriff with whom he last registered no~~
21 ~~later than ten days after establishing his new residence.~~]

22 [~~H.~~] F. When a sex offender who is registered or
23 required to register is homeless or does not have an
24 established residence, but lives in a shelter, halfway house or
25 transitional living facility or stays in multiple locations in

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1 New Mexico, the sex offender shall register each address or
2 temporary location with the [~~county sheriff for each county in~~
3 ~~which the sex offender is living or temporarily located~~] proper
4 registration officer. The sex offender shall register no later
5 than [~~ten~~] five business days after a change in [~~his~~] living
6 arrangements or temporary location.

7 [~~F.~~] G. When a sex offender who is registered or
8 required to register is employed, begins a vocation or is
9 enrolled as a student at an institution of higher education in
10 New Mexico, the sex offender shall disclose [~~his~~] the sex
11 offender's status as a sex offender in writing to [~~the county~~
12 ~~sheriff for the county in which the institution of higher~~
13 ~~education is located~~] the law enforcement entity responsible
14 for the institution of higher education and the registrar for
15 the institution of higher education no later than [~~ten~~] five
16 business days after beginning employment, beginning a vocation
17 or enrolling at the institution of higher education. The sex
18 offender shall also send written notice of any change regarding
19 [~~his~~] employment, vocation or enrollment status at an
20 institution of higher education to the [~~county sheriff~~] proper
21 registration officer, the law enforcement entity and the
22 registrar no later than [~~ten~~] five business days after the
23 change in [~~his~~] employment, vocation or enrollment status.

24 [~~J.~~] H. When a sex offender who is registered or
25 required to register is employed or is enrolled as a student at

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1 a public or private school in New Mexico, the sex offender
2 shall disclose [~~his~~] the sex offender's status as a sex
3 offender in writing to [~~the county sheriff for the county in~~
4 ~~which the school is located and to~~] the principal of the school
5 no later than [~~ten~~] five business days after beginning
6 employment or enrolling at the school. The sex offender shall
7 also send written notice of any change regarding [~~his~~]
8 employment or enrollment status at a school to the [~~county~~
9 ~~sheriff~~] proper registration officer and the principal no later
10 than [~~ten~~] five business days after the change in [~~his~~]
11 employment or enrollment status.

12 [~~K.~~] I. When a sex offender who is registered or
13 required to register is employed, begins a vocation or
14 volunteers [~~his~~] services, regardless of whether the sex
15 offender receives payment or other compensation, the sex
16 offender shall disclose [~~his~~] the sex offender's status as a
17 sex offender in writing to [~~his~~] the sex offender's employer,
18 supervisor or person similarly situated. The written
19 disclosure shall be made immediately upon beginning [~~his~~]
20 employment, vocation or volunteer service.

21 [~~H.~~] J. Following [~~his~~] initial registration
22 pursuant to the provisions of this section:

23 (1) a sex offender [~~required to register~~
24 ~~pursuant to the provisions of Subsection D of Section 29-11A-5~~
25 ~~NMSA 1978~~] convicted of a tier III sex offense shall [~~renew~~

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1 ~~his~~ verify registration information with the ~~[county sheriff]~~
2 proper registration officer as provided in Subsection M of this
3 section not less than once in each ninety-day period following
4 the date of the sex offender's initial registration for the
5 ~~[entirety]~~ remainder of ~~[his]~~ the sex offender's natural life;
6 ~~[and]~~

7 (2) a sex offender ~~[required to register~~
8 ~~pursuant to the provisions of Subsection E of Section 29-11A-5~~
9 ~~NMSA 1978]~~ convicted of a tier II sex offense shall ~~[annually~~
10 ~~renew his]~~ verify registration information with the ~~[county~~
11 ~~sheriff prior to December 31 of each subsequent calendar year]~~
12 proper registration officer as provided in Subsection M of this
13 section once every six months for a period of ~~[ten]~~ twenty-five
14 years;

15 (3) a sex offender convicted of a tier I sex
16 offense shall annually verify registration information with the
17 proper registration officer as provided in Subsection M of this
18 section prior to December 31 of each subsequent calendar year
19 for a period of fifteen years;

20 (4) a sex offender required to register for
21 lifetime as the result of an out-of-state conviction shall
22 verify registration information with the proper registration
23 officer not less than once in each ninety-day period for the
24 remainder of the sex offender's natural life; and

25 (5) a sex offender required to register for a

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1 shorter duration than lifetime as the result of an out-of-
2 state conviction shall verify registration information with the
3 proper registration officer for the remainder of time required
4 in the convicting jurisdiction, and at the same frequency as
5 required in that jurisdiction, but no less than once every six
6 months.

7 ~~[M.]~~ K. Notwithstanding the provisions of
8 ~~[Paragraph]~~ Paragraphs (2) and (3) of Subsection ~~[L]~~ J of this
9 section, if a sex offender is convicted a second or subsequent
10 time for a sex offense, ~~[set forth in Subsection E of Section~~
11 ~~29-11A-5 NMSA 1978, he]~~ the sex offender shall ~~[renew his]~~
12 verify registration information with the ~~[county sheriff]~~
13 proper registration officer as provided in Subsection M of this
14 section not less than once in each ninety-day period following
15 the date of the sex offender's initial registration for the
16 ~~[entirety]~~ remainder of ~~[his]~~ the sex offender's natural life.

17 L. A sex offender who was registered in New Mexico
18 prior to the effective date of this 2013 act shall register for
19 the lesser duration of time required by Subsection J of this
20 section or required when the sex offender first registered in
21 New Mexico.

22 M. At least fifteen days prior to the time a sex
23 offender is required to verify registration information, the
24 department shall send a verification form to the sex offender,
25 by first class mail, containing the sex offender's current

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1 registration information and a notice of the date that the sex
2 offender's next verification is due. The sex offender shall
3 appear in person at a location designated by the department to
4 verify the information contained on the form, to change the
5 information as necessary and to sign a statement under oath
6 that the information is true and correct. The department may
7 photograph the sex offender at that time if the sex offender's
8 appearance is significantly different from the photograph
9 already contained in the sex offender's file. If a sex
10 offender does not receive a verification form before the time
11 that the sex offender is required to verify registration
12 pursuant to Subsection J of this section, the sex offender
13 shall appear at a location designated by the department to
14 verify registration information as required by this section.

15 N. The department shall establish a secure system
16 that will permit a sex offender to notify the department
17 electronically of any change in registration information.

18 ~~[N.]~~ O. A sex offender who willfully or
19 knowingly fails to comply with the registration or verification
20 requirements set forth in this section is guilty of a fourth
21 degree felony and shall be sentenced pursuant to the provisions
22 of Section 31-18-15 NMSA 1978. A sex offender who willfully or
23 knowingly fails to comply with the registration or verification
24 requirements set forth in this section after a first or
25 subsequent conviction for a violation pursuant to this section

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1 is guilty of a third degree felony and shall be sentenced
2 pursuant to the provisions of Section 31-18-15 NMSA 1978. The
3 willful failure to comply with any registration or verification
4 requirement set forth in this section shall be deemed part of a
5 continuing transaction or occurrence. A conviction pursuant to
6 this subsection shall not be considered a felony for purposes
7 of the imposition of sentencing enhancements pursuant to the
8 provisions of Section 31-18-17 NMSA 1978.

9 [Ø-] P. A sex offender who willfully or knowingly
10 provides false information when complying with the registration
11 or verification requirements set forth in this section is
12 guilty of a fourth degree felony and shall be sentenced
13 pursuant to the provisions of Section 31-18-15 NMSA 1978. A
14 sex offender who willfully or knowingly provides false
15 information when complying with the registration or
16 verification requirements set forth in this section after a
17 first or subsequent conviction for a violation pursuant to this
18 section is guilty of a third degree felony and shall be
19 sentenced pursuant to the provisions of Section 31-18-15 NMSA
20 1978. The willful providing by a sex offender of false
21 information with respect to the registration or verification
22 requirements set forth in this section shall be deemed part of
23 a continuing transaction or occurrence. A conviction pursuant
24 to this subsection shall not be considered a felony for
25 purposes of the imposition of sentencing enhancements pursuant

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1 to the provisions of Section 31-18-17 NMSA 1978."

2 SECTION 4. Section 29-11A-4.1 NMSA 1978 (being Laws 2000,
3 Chapter 8, Section 6, as amended) is amended to read:

4 "29-11A-4.1. PROCEDURES WHEN A SEX OFFENDER MOVES FROM
5 NEW MEXICO TO ANOTHER STATE.--

6 A. If a sex offender intends to move from New
7 Mexico to another state, no later than thirty days prior to
8 moving to the other state, ~~[he]~~ the sex offender shall:

9 (1) notify the ~~[county sheriff of the county~~
10 ~~he resides in]~~ proper registration officer that ~~[he]~~ the sex
11 offender is moving to the other state; and

12 (2) provide the ~~[county sheriff]~~ proper
13 registration officer with a written notice that identifies the
14 state to which the sex offender is moving.

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

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1 The department shall provide the sex offender with written
2 notification of the registration requirements in the state to
3 which the sex offender is moving.

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

8 SECTION 5. A new section of the Sex Offender Registration
9 and Notification Act is enacted to read:

10 "[NEW MATERIAL] CREDIT FOR REGISTRATION IN OTHER
11 JURISDICTIONS OR WHILE ON PROBATION OR PAROLE--REDUCTION IN
12 TIME FOR TIER I SEX OFFENSE.--

13 A. A sex offender's registration period in New
14 Mexico shall be reduced by any period of time the sex offender:

15 (1) registered in another jurisdiction prior
16 to registering in New Mexico; or

17 (2) was on probation or parole in New Mexico
18 for a sex offense.

19 B. A sex offender shall apply to the department for
20 registration credit. The department shall grant credit upon
21 receipt of documentation verifying the sex offender's
22 compliance with another jurisdiction's registration
23 requirements or the sex offender's compliance with probation or
24 parole supervision in New Mexico.

25 C. The term of registration for a tier I sex

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1 offender shall be reduced to ten years if, in the ten years
2 following the date on which the sex offender was required to
3 register, the sex offender:

- 4 (1) complied with registration requirements;
5 (2) had not been convicted of a felony offense
6 or a sex offense; and
7 (3) successfully completed, without
8 revocation, any period of supervised release, probation or
9 parole."

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

14 "29-11A-5. [~~LOCAL REGISTRY~~] CENTRAL REGISTRY--
15 ADMINISTRATION BY DEPARTMENT [~~OF PUBLIC SAFETY~~]--PARTICIPATION
16 IN THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

17 [~~A. A county sheriff shall maintain a local
18 registry of sex offenders in the sheriff's jurisdiction
19 required to register pursuant to the provisions of the Sex
20 Offender Registration and Notification Act.~~

21 B.] A. The [~~county sheriff~~] department shall
22 forward

23 [~~(1) registration information obtained from
24 sex offenders to the department of public safety. The initial
25 registration information and any new registration information~~

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

8 (2)] samples of DNA obtained from sex offenders
9 to the administrative center for the sex offender DNA
10 identification system pursuant to the provisions of the DNA
11 Identification Act.

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

22 [D.] C. The department [~~of public safety~~] shall
23 retain registration information regarding a sex offender
24 convicted [~~for any of the following sex offenses~~] of a tier III
25 sex offense for the [~~entirety~~] remainder of the sex offender's

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1 natural life.

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

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

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

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

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

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

18 ~~E.]~~ D. The department [~~of public safety~~] shall
19 retain registration information regarding a sex offender
20 convicted [~~for the following offenses~~] of a tier II sex offense
21 for a period of [~~ten~~] twenty-five years following the sex
22 offender's conviction, release from prison or release from
23 probation or parole, whichever occurs later.

24 ~~[(1) criminal sexual penetration in the fourth~~
25 ~~degree, as provided in Section 30-9-11 NMSA 1978;~~

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- 1 ~~(2) sexual exploitation of children by~~
2 ~~prostitution, as provided in Section 30-6A-4 NMSA 1978;~~
- 3 ~~(3) false imprisonment, as provided in Section~~
4 ~~30-4-3 NMSA 1978, when the victim is less than eighteen years~~
5 ~~of age and the offender is not a parent of the victim;~~
- 6 ~~(4) aggravated indecent exposure, as provided~~
7 ~~in Section 30-9-14.3 NMSA 1978;~~
- 8 ~~(5) enticement of child, as provided in~~
9 ~~Section 30-9-1 NMSA 1978;~~
- 10 ~~(6) incest, as provided in Section 30-10-3~~
11 ~~NMSA 1978, when the victim is less than eighteen years of age;~~
- 12 ~~(7) solicitation to commit criminal sexual~~
13 ~~contact of a minor in the second, third or fourth degree, as~~
14 ~~provided in Sections 30-9-13 and 30-28-3 NMSA 1978;~~
- 15 ~~(8) child solicitation by electronic~~
16 ~~communication device, as provided in Section 30-37-3.2 NMSA~~
17 ~~1978; or~~
- 18 ~~(9) attempt to commit any of the sex offenses~~
19 ~~set forth in Paragraphs (1) through (6) of this subsection, as~~
20 ~~provided in Section 30-28-1 NMSA 1978.]~~

21 E. The department shall retain registration
22 information regarding a sex offender convicted of a tier I sex
23 offense for a period of fifteen years following the sex
24 offender's conviction, release from prison or release from
25 probation or parole, whichever occurs later.

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1 F. Notwithstanding the provisions of Subsection D
2 or E of this section, if a sex offender is convicted a second
3 or subsequent time for a sex offense, [~~set forth in that~~
4 ~~subsection~~] the department [~~of public safety~~] shall retain
5 information regarding the sex offender for the [~~entirety~~]
6 remainder of the sex offender's natural life.

7 G. The department shall retain registration
8 information regarding a sex offender from an out-of-state
9 conviction for ten years following the termination of the sex
10 offender's obligation to register in New Mexico.

11 [~~G.~~] H. The department [~~of public safety~~] shall
12 adopt rules necessary to carry out the provisions of the Sex
13 Offender Registration and Notification Act. Rules necessary
14 for the collection of DNA samples and the administration and
15 operation of the sex offender DNA identification system shall
16 be adopted by the DNA identification system oversight committee
17 pursuant to the provisions of the DNA Identification Act."

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

20 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING
21 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY
22 NOTIFICATION--INTERNET WEB SITE.--

23 A. If a sex offender is convicted of [~~one of the~~
24 ~~following sex offenses, the county sheriff~~] a tier III sex
25 offense or required to register as a lifetime offender as a

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1 result of an out-of-state conviction, the proper registration
2 officer shall forward registration information obtained from
3 the sex offender to the district attorney for the judicial
4 district in which the sex offender resides and, if the sex
5 offender is a resident of a municipality, the chief law
6 enforcement officer for the municipality in which the sex
7 offender resides.

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

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

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

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

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

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

24 (1) [~~sheriff~~] proper registration officer for
25 the [~~county~~] district in which the sex offenders reside;

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

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

5 (4) secretary of public safety.

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

15 D. Within seven days of receiving registration
16 information from a sex offender described in Subsection A of
17 this section, the [~~county sheriff~~] proper registration officer
18 shall contact every licensed daycare center, elementary school,
19 middle school and high school within a one-mile radius of the
20 sex offender's residence and provide them with the sex
21 offender's registration information, with the exception of the
22 sex offender's social security number and DNA information.

23 E. The department [~~of public safety~~] shall
24 establish and manage an internet web site that provides the
25 public with registration information regarding sex offenders

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

17 (1) the sex offender's legal name and any
18 other names or aliases that the sex offender is using or has
19 used;

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

22 (3) if the sex offender's employment involves
23 direct contact with children under sixteen years of age, the
24 sex offender's place of employment;

25 (4) the sex offenses for which the sex

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- 1 offender has been convicted;
- 2 (5) a photograph of the sex offender;
- 3 (6) the sex offender's date of birth;
- 4 (7) a physical description, including a
5 description of any tattoos, scars or other distinguishing
6 features on the sex offender's body that would assist in
7 identifying the sex offender; and
- 8 (8) a link that will pinpoint the location of
9 the sex offender's place of employment if the sex offender has
10 direct contact with children younger than sixteen years of
11 age."

12 SECTION 8. Section 29-11A-7 NMSA 1978 (being Laws 1995,
13 Chapter 106, Section 7, as amended) is amended to read:

14 "29-11A-7. NOTICE TO SEX OFFENDERS OF DUTY TO
15 REGISTER.--

16 A. A court shall provide a sex offender convicted
17 in that court with written notice of ~~[his]~~ the sex offender's
18 duty to register pursuant to the provisions of the Sex Offender
19 Registration and Notification Act. The written notice shall be
20 included in judgment and sentence forms provided to the sex
21 offender. The written notice shall inform the sex offender
22 that ~~[he]~~ the sex offender is required to:

- 23 (1) register with the ~~[county sheriff for the~~
24 ~~county in which the sex offender will reside or, if the sex~~
25 ~~offender will not have an established residence, with the~~

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1 ~~county sheriff for each county in which the sex offender will~~
2 ~~live or be temporarily located]~~ proper registration officer
3 pursuant to the provisions of the Sex Offender Registration and
4 Notification Act;

5 (2) report subsequent changes of address
6 pursuant to the provisions of the Sex Offender Registration and
7 Notification Act;

8 (3) notify the [~~county sheriff of the county~~
9 ~~he resides in]~~ proper registration officer if the sex offender
10 intends to move to another state and that the sex offender is
11 required to register in the other state pursuant to the
12 provisions of the Sex Offender Registration and Notification
13 Act;

14 (4) disclose [~~his~~] the sex offender's status
15 as a sex offender in writing when [~~he~~] the sex offender begins
16 employment, begins a vocation or enrolls as a student at an
17 institution of higher education in New Mexico to the [~~county~~
18 ~~sheriff for the county in which the institution of higher~~
19 ~~education is located]~~ proper registration officer and to the
20 law enforcement entity and registrar for the institution of
21 higher education pursuant to the provisions of the Sex Offender
22 Registration and Notification Act;

23 (5) provide written notice of any change
24 regarding [~~his~~] the sex offender's employment, vocation or
25 enrollment status at an institution of higher education to the

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1 ~~[county sheriff]~~ proper registration officer, the law
2 enforcement entity and the registrar pursuant to the provisions
3 of the Sex Offender Registration and Notification Act;

4 (6) disclose [~~his~~] the sex offender's status
5 as a sex offender in writing, when [~~he~~] the sex offender
6 enrolls as a student at a private or public school in New
7 Mexico, to the ~~[county sheriff for the county in which the~~
8 ~~school is located]~~ proper registration officer and to the
9 principal of the school pursuant to the provisions of the Sex
10 Offender Registration and Notification Act;

11 (7) provide written notice of any change
12 regarding [~~his~~] the sex offender's enrollment status at a
13 public or private school in New Mexico to the ~~[county sheriff]~~
14 proper registration officer and the principal of the school
15 pursuant to the provisions of the Sex Offender Registration and
16 Notification Act;

17 (8) disclose [~~his~~] the sex offender's status
18 as a sex offender in writing to [~~his~~] the sex offender's
19 employer, supervisor or other person similarly situated when
20 [~~he~~] the sex offender begins employment, begins a vocation or
21 volunteers [~~his~~] the sex offender's services, regardless of
22 whether the sex offender receives payment or other
23 compensation, pursuant to the provisions of the Sex Offender
24 Registration and Notification Act; and

25 (9) read and sign a form that indicates that

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1 the sex offender has received the written notice and that a
2 responsible court official, designated by the chief judge for
3 that judicial district, has explained the written notice to the
4 sex offender.

5 B. The corrections department, a municipal or
6 county jail or a detention center, at the time of release of a
7 sex offender in its custody, shall provide a written notice to
8 the sex offender of ~~[his]~~ the sex offender's duty to register,
9 pursuant to the provisions of the Sex Offender Registration and
10 Notification Act. The written notice shall inform the sex
11 offender that ~~[he]~~ the sex offender is required to:

12 (1) register with the ~~[county sheriff for the~~
13 ~~county in which the sex offender will reside or, if the sex~~
14 ~~offender will not have an established residence, with the~~
15 ~~county sheriff for each county in which the sex offender will~~
16 ~~live or be temporarily located]~~ proper registration
17 officer pursuant to the provisions of the Sex Offender
18 Registration and Notification Act;

19 (2) report subsequent changes of address
20 pursuant to the provisions of the Sex Offender Registration and
21 Notification Act;

22 (3) notify the ~~[county sheriff of the county~~
23 ~~he resides in]~~ proper registration officer if the sex offender
24 intends to move to another state and that the sex offender is
25 required to register in the other state pursuant to the

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

3 (4) disclose [~~his~~] the sex offender's status
4 as a sex offender in writing when [~~he~~] the sex offender begins
5 employment, begins a vocation or enrolls as a student at an
6 institution of higher education in New Mexico to the [~~county~~
7 ~~sheriff for the county in which the institution of higher~~
8 ~~education is located~~] proper registration officer and to the
9 law enforcement entity and registrar for the institution of
10 higher education pursuant to the provisions of the Sex Offender
11 Registration and Notification Act;

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

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

25 (7) provide written notice of any change

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1 regarding ~~[his]~~ the sex offender's enrollment status at a
2 public or private school in New Mexico to the ~~[county sheriff]~~
3 proper registration officer and the principal of the school
4 pursuant to the provisions of the Sex Offender Registration and
5 Notification Act;

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

14 (9) read and sign a form that indicates that
15 the sex offender has received the written notice and that a
16 responsible corrections department official, designated by the
17 secretary of corrections, or a responsible municipal or county
18 jail official or detention center official has explained the
19 written notice to the sex offender.

20 C. A court, the corrections department, a municipal
21 or county jail or a detention center shall also provide written
22 notification regarding a sex offender's release ~~[to the sheriff~~
23 ~~of the county in which the sex offender is released and]~~ to the
24 ~~[department of public safety]~~ proper registration officer.

25 D. The department of public safety, at the time it

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1 is notified by officials from another state that a sex offender
2 will be establishing residence in New Mexico, shall provide
3 written notice to the sex offender of [~~his~~] the sex offender's
4 duty to register pursuant to the provisions of the Sex Offender
5 Registration and Notification Act."

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

8 "29-11A-9. STATE PREEMPTION--SAVING CLAUSE.--

9 A. The state preempts the field of sex offender
10 registration and notification. Cities, counties, home rule
11 municipalities and other political subdivisions of the state
12 are prohibited from adopting or continuing in effect any
13 ordinance, rule, regulation, resolution or statute on sex
14 offender registration and notification and from imposing any
15 other restrictions on sex offenders that are not included in
16 the Sex Offender Registration and Notification Act. The
17 department, cities, counties, home rule municipalities and
18 other political subdivisions of the state shall not require a
19 sex offender to report or to register more frequently or to
20 provide information not required by the Sex Offender
21 Registration and Notification Act.

22 B. After January 18, 2005, cities, counties, home
23 rule municipalities and other political subdivisions of the
24 state are prohibited from adopting or amending an ordinance,
25 rule, regulation or resolution on sex offender registration and

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1 notification. An ordinance in effect on January 18, 2005 shall
2 continue in force and effect until repealed; provided that the
3 ordinance shall only continue in force and effect with regard
4 to sex offenders who are required to register pursuant to the
5 provisions of the ordinance but who are not required to
6 register pursuant to the provisions of the Sex Offender
7 Registration and Notification Act. All other sex offenders
8 shall register pursuant to the provisions of the Sex Offender
9 Registration and Notification Act."

10 SECTION 10. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is January 1, 2014.