

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/29/2026

Check all that apply:

Bill Number: HB 199

Original Correction
Amendment Substitute

Sponsor: Rep. Cathrynn N. Brown,
Rep. Meredith A. Dixon

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Sex Offender Registration &
Federal Law

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: HB 199 proposes to amend sections of the New Mexico Sex Offender Registration and Notification Act, NMSA 1978, §§ 29-11A-1 thorough -10 (SORNA) to comply with the provisions of the Federal Adam Walsh Child Protection and Safety Act of 2006.

Section 1 proposes to amend Section 29-11A-2(B) regarding the purpose of the SORNA by adding in the language “to comply with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and...” Subsections (1) and (2) under B propose some grammatical changes.

Section 2 proposes to amend Section 29-11A-3 regarding the definitions used in SORNA. Among other terms, HB 199 would define “juvenile sex offender” and “sexually violent offense.” It would also redefine the term “sex offender” to include juveniles who received adult sentences. Section 2 would also add registerable crimes and divide those offenses into three tiers.

Section 3 proposes to amend Section 29-11A-4 regarding the registration of sex offenders and the criminal penalty for noncompliance. Juvenile sex offenders would have to register with CYFD. It would also tighten registration requirements by mandating offenders to register in-person within three days after a triggering event occurs. Section 3 would require offenders to periodically verify their registration depending upon the tier of the underlying offense. Section 3 would generally increase the length of time that offenders would have to verify their registration compared with current law.

Section 4 would remove male pronouns and redundant language in Section 29-11A-4.1.

Section 5 would remove redundant language in Section 29-11A-5. It would extend the time that the department would have to retain registration information based upon the tier of the underlying offense. Section 5 would also require CYFD to retain registration information of juvenile sex offenders and notify the Department of Public Safety when the juvenile turned 21 or was released from custody; the Department of Public safety would then remove the juvenile’s registration information.

Section 6 proposes to amend Section 29-11A-5.1 regarding public access to information regarding sex offenders. County sheriffs would be required to forward registration information for Tier 2, 3, and lifetime registration offenses to the district attorney as well as

the relevant municipal law enforcement agency. It would change all instances of “internet web site” to “website.” Section 6 would also remove language in current law that limits certain provisions to offenders who work directly with children.

Section 7 replaces all instances of male pronouns with “the sex offender” and removes redundant language.

Section 8 would apply SORNA to any person convicted of a sex offense on or after July 1, 1995.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this office.

SIGNIFICANT ISSUES

HB 199 would expand the list of registerable offenses and apply its provisions retroactively to offenses committed on or after July 1, 1995. Although this would not raise ex post facto concerns, *see State v. Druktenis*, 2004-NMCA-032, ¶ 37, 135 N.M. 223, there could be a notice problem when applying the provisions to older convictions. *See* NMSA 1978, §§ 29-11A-4(P) and (Q) (criminalizing willful or knowing failure to register); § 29-11A-7 (requiring courts and detention authorities to provide offenders with certain notices); *State v. Edwards*, 2007-NMCA-043, 141 N.M. 491 (discussing the effect of notice on pleas).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

On page 3 lines 5-9, HB 199 would strike the definition of “institution of higher education” and then reinsert, verbatim, the same definition at lines 13-17. For clarity, both the deletion and reinsertion could be removed.

OTHER SUBSTANTIVE ISSUES

The language proposed to be inserted under Section 1 referencing the Adam Walsh Child Protection and Safety Act of 2006 may be too specific as the Federal version of SORNA has

been amended based on several sex offender cases. Consider only adding reference to the federal version of SORNA more broadly.

Consider reviewing definitions to ensure offenses are properly tiered. See:

- NMSA 1978, § 30-6A-3 defines various offenses related to child sexual abuse material (CSAM). Possessing CSAM under Section 30-6A-3(A) would be a Tier 1 offense. However, Tier 2 includes any violation of Section 30-6A-3 without distinguishing between subsections. As a result, possessing CSAM would be both a Tier 1 and Tier 2 offense.
- Kidnapping committed with the intent to inflict a sex offense may be tiered differently depending on the age of the victim and offender. Review of this definition is encouraged to ensure the intended tiering is achieved.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.