

LFC Requester: _____

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: _____ *Check all that apply:*
Bill Number: HB199 Original Correction
 Amendment Substitute

Sponsor: C Brown **Agency Name and Code** CYFD - 690
Short Title: SEX OFFENDER REGISTRATION & FEDERAL LAW **Number:** _____
Person Writing Kathleen Hardy
Phone: 505-660-8508 **Email** Kathleen.hardy@cyfd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

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

BILL SUMMARY

Synopsis: This bill amends existing state law concerning sex offender registration and notification to comply with federal law, as follows:

- Adds a definition of juvenile sex offender meaning “a person fourteen years of age or older who has been adjudicated delinquent for committing a sexually violent offense”.
- Amends the definition of sex offender to include “a juvenile sex offender who received an adult sentence pursuant to §32A-2-20 (Disposition of a Youthful Offender) and the sex offense tiers (1-3).
- Adds additional offenses to the definition of sex offense
- Requires that “a juvenile sex offender shall register with the CYFD no later than 3 business days after release into the community after adjudication for a sexually violent offense”.
- Adds “sexually violent offense” the definitions section, meaning “aggravated criminal sexual penetration (CSP), CSP in the first, second and third degree”.
- Establishes that a juvenile sex offender’s obligation to register “shall extend until the offender attains twenty-one years of age or until the juvenile sex offender is released from supervision by CYFD”.
- Requires CYFD to retain registration information regarding a juvenile sex offender until the juvenile sex offender attains the age of 21, at which time CYFD shall notify the department of public safety that the registration period has expired.
- Requires “the department (public safety) shall remove all information regarding the juvenile sex offender from the department’s database of sex offenders and remove or cause to be removed all information entered by any governmental entity in NM from all law enforcement databases” once the registration period has expired.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill. Any fiscal impact to CYFD will be absorbed by existing resources.

SIGNIFICANT ISSUES

It is unclear whether this bill intends CYFD to maintain a database separate from the DPS database, or to provide information to DPS for inclusion in the DPS database. If the former, CYFD will need to develop, implement, and maintain a CYFD sex offender registry.

The bill appears to be internally inconsistent regarding the duration of a juvenile sex offender’s registration requirement. On page 18, the bill states that “a juvenile sex offender’s obligation to register shall extend until the offender attains twenty-one years of age *or* until the juvenile sex offender is released from supervision by the children, youth and families department.” This language suggests that a juvenile’s obligation to register may terminate upon completion of their commitment or probation term and release from CYFD supervision, even if that occurs prior to the juvenile attaining twenty-one years of age.

However, page 26 states that “the children, youth and families department shall retain registration information regarding a juvenile sex offender until the juvenile sex offender attains twenty-one years of age, at which time the children, youth and families department shall notify the department of public safety that the registration period of the juvenile sex offender has expired.” This provision

suggests that once a juvenile is registered, they remain on the registration list until age twenty-one, regardless of whether they have been released from supervision.

As written, these provisions create ambiguity as to whether release from CYFD supervision ends a juvenile's registration obligation, or whether registration continues until age twenty-one in all cases. The bill does not clearly distinguish between the termination of the registration obligation and the administrative retention of registration information, resulting in potentially conflicting interpretations.

There also appears to be conflicting language between the bill and the New Mexico Children's Code regarding the retention and disclosure of juvenile records.

Section 5(G) of the Bill provides that the Children, Youth and Families Department (CYFD) shall retain registration information regarding a juvenile sex offender until the juvenile attains twenty-one years of age, regardless of charge disposition. In contrast, the New Mexico Children's Code, Section 32A-2-26, requires the department to seal a child's files and records when the child reaches eighteen years of age or upon expiration of the disposition, whichever occurs later.

The proposed changes to the definition of sex offender to include a juvenile sex offender who received an adult sentence pursuant to §32A-2-20 (Disposition of a Youthful Offender). While DPS maintains a central registry of sex offenders required to register pursuant to the Sex Offender Registration and Notification Act (SORNA); and sends conviction information and fingerprints for all sex offenders registered in NM to the national sex offender registry administered by the US Department of Justice and to the FBI, disclosure of Sex offender status does not apply to a juvenile sex offender who has been adjudicated pursuant to the Delinquency Act. Disclosure of the information contained within a registry of juvenile sex offenders who are adjudicated and the sharing of this information violates the confidentiality (§32-2-32 NMSA 1978) and sealing of records (§32A-2-26 NMSA 1978) provisions in the Delinquency Act and the sealing of records rule 10-262 (NMRA).

Additional inconsistencies arise concerning registration and public disclosure. Section 3(B) of the Bill requires a juvenile sex offender to register with CYFD no later than three business days after release into the community following adjudication for a sexually violent offense. Section 5(G) further requires CYFD to notify the Department of Public Safety (DPS) when the registration period has expired, at which point DPS must remove all information regarding the juvenile from its sex offender database and ensure removal from all law enforcement databases within ten days.

However, the Children's Code, Section 32A-2-32, explicitly states that all records pertaining to the child—including social records, behavioral health screenings, evaluations, medical reports, detention facility records, supervision histories, and all records in the possession of CYFD—are confidential and may not be disclosed directly or indirectly to the public. Section 32A-2-32(E) further provides that any individual who intentionally and unlawfully releases confidential information is guilty of a petty misdemeanor.

If the sex offender registry is accessible to the public, CYFD staff who enter juvenile information into the registry could be placed in direct conflict with the confidentiality requirements of the Children's Code and may be exposed to potential criminal liability for unlawful disclosure.

PERFORMANCE IMPLICATIONS

CYFD has no performance measures concerning this bill.

ADMINISTRATIVE IMPLICATIONS

Any administrative implications will be absorbed by existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with SB165, which raises the age of certain individuals subject to CYFD supervision to 25. Related to HB125.

TECHNICAL ISSUES

See Significant Issues concerning sealing and disclosure.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

Propose amending the obligation to register as follows: “a juvenile sex offender's obligation to register shall extend until the offender attains twenty-one years of age or until the juvenile sex offender is released from supervision by the children, youth and families department, whichever is later” to bring this section into line with “the children, youth and families department shall retain registration information regarding a juvenile sex offender until the juvenile sex offender attains twenty-one years of age”.

CYFD understands that the bill will be amended to address the issues raised above.