

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)*(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: 01/29/2026

Check all that apply:

Bill Number: HB 199Original X  Correction Amendment  Substitute Sponsor: Cathrynn N. BrownShort Title: Sex Offender Registration andFederal LawAgency Name  
and CodeNew Mexico Adult Parole Board  
760

Number:

Person Writing

Roberta CohenPhone: 505-386-6873Email Roberta.cohen@apb.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
<b>Total</b>						

(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: HB199 amends the Sex Offender Registration and Notification Act to comply with the federal Adam Walsh Child Protection and Safety Act of 2006. It revises key definitions, creates tier-based categories of sex offenses, tightens registration and update deadlines from five business days to three, and lengthens time for agency retention of registration information. It also adds specific registration rules for certain juvenile sex offenders and expands public access to some registry information.

#### **REGISTRATION AND VERIFICATION DEADLINES:**

Sets a deadline of three business days to register with a County Sheriff for a non-resident working or attending school in New Mexico, a resident's change of residence to a new county, a change in living arrangements or temporary location for a homeless registered offender, enrollment in an institute of higher education or employment or enrollment in a public or private school, or volunteers services.

A sex offender convicted of a tier 3 sex offense must verify registration information with the County Sheriff at least once each 90 days. For a tier 2 sex offense, verification is required every six months for 25 years (up from 10 years) from initial registration. For a tier 1 sex offense, verification is required annually for 15 years from initial registration. A sex offender required to register for the rest of the offender's life as a result of an out-of-state conviction must verify at least once each 90 days for the remainder of the offender's life.

Exempts offenders who are confined to a hospice facility or skilled nursing home from in-person verification requirements.

#### **JUVENILE SEX OFFENDER PROVISIONS:**

In the context of the bill, "juvenile sex offender" means a person 14 or older who has been adjudicated delinquent for committing a sexually violent offense.

Includes a juvenile sex offender who received an adult sentence in the definition of "sex offender" for purposes of registration. Requires a juvenile sex offender to register with CYFD within three business days after release into the community after adjudication for a sexually violent offense. The obligation to register extends until the offender turns 21 or is released from CYFD supervision.

CYFD is to retain registration information on a juvenile sex offender until the offender turns 21, at which time CYFD is to notify DPS of the expiration of the registration, and DPS is to remove information about the juvenile sex offender from its database.

#### **CRIMES AND OFFENSES:**

The crimes added to the definition of "sex offense" are:

- patronizing prostitutes, when there is a separate finding of fact that the sex offender knew or

- should have known that the person believed to be a prostitute was younger than 16
- promoting prostitution, when there is a separate finding of fact that the sex offender knew or should have known that the victim was younger than 16
- accepting earnings of a prostitute, when there is a separate finding of fact that the sex offender knew or should have known that the person engaged in prostitution was younger than 16
- human trafficking, when the victim is younger than 16
- criminal sexual communication with a child
- voyeurism, when the victim is younger than 18.

The tiered sex offenses are:

Tier 1 sex offense:

- enticement of child
- sexual exploitation of children
- criminal sexual contact in the fourth degree
- aggravated indecent exposure
- voyeurism, when the victim is younger than 18
- attempt to commit any of these offenses.

The Department of Public Safety is to retain registration information on a tier 1 sex offender for 15 years following the latest conviction or release.

Tier 2 sex offense:

- sexual exploitation of children
- sexual exploitation of children by prostitution
- false imprisonment, when committed with the intent to inflict a sex offense
- 4) patronizing prostitutes, when there is a separate finding of fact that the sex offender knew or should have known that the person believed to be a prostitute was younger than 16
- promoting prostitution, when there is a separate finding of fact that the sex offender knew or should have known that the victim was younger than 16
- accepting earnings of a prostitute, when there is a separate finding of fact that the sex offender knew or should have known that the person engaged in prostitution was younger than 16
- criminal sexual penetration in the fourth degree, when the victim 16 or older
- criminal sexual contact of a minor, when the victim is 13 to 18
- incest
- criminal sexual communication with a child
- human trafficking, for sexual purpose, when the victim is younger than 16
- child solicitation by electronic communication device,
- attempt to commit any of these offenses.

Tier 3 sex offense:

- kidnapping, when committed with intent to inflict a sex offense and when the victim is younger than 18
- aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree
- criminal sexual penetration in the fourth degree, when the victim is younger than 16
- criminal sexual contact of a minor, when the victim is younger than 13
- attempt to commit any of these offenses.

Also defines “sexually violent offense” as aggravated criminal sexual penetration, criminal sexual penetration in the first degree, criminal sexual penetration in the second degree or

criminal sexual penetration in the third degree.

**PUBLIC ACCESS TO INFORMATION.** Current statute prohibits the release of a registered sex offender's place of employment unless there is direct contact with children. HB199 removes that prohibition and permits release of the place of employment for all registered offenders.

**FISCAL IMPLICATIONS**

None

**SIGNIFICANT ISSUES**

None

**PERFORMANCE IMPLICATIONS**

None

**ADMINISTRATIVE IMPLICATIONS**

Greater tracking coordination required with:

- NMDOC classification units,
- Probation and Parole Division,
- Victim services.
- Training for Board members to ensure conditions are being met with statute requirements of registration compliance

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

**TECHNICAL ISSUES**

None

***OTHER SUBSTANTIVE ISSUES***

*None*

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

**AMENDMENTS**

None