

SECTION III: NARRATIVE

BILL SUMMARY

HB199 makes focused, corrective changes to New Mexico's Sex Offender Registration and Notification Act (SORNA) to move the state toward compliance with federal SORNA standards set forth in the Adam Walsh Child Protection and Safety Act of 2006. The bill updates definitions, organizes offenses into a tiered system to comply with federal standards, and aligns registration durations and verification frequency with the tier system. The bill shortens registration and reporting deadlines from five (5) business days to three (3) business days, expands the information offenders must provide, strengthens in-person reporting requirements for key changes, and broadens public access to selected registry information.

HB199 also enhances oversight and public safety measures by extending the registration periods for Tier 1 and Tier 2 offenses from ten (10) to fifteen (15) and twenty-five (25) years respectively, establishes verification requirements based on those tiers, and ensures that out-of-state registrants meet comparable or stricter requirements. Overall, HB-199 strengthens enforcement, improves community notification, and aligns New Mexico's system more closely with federal standards.

FISCAL IMPLICATIONS

A 10% penalty to federal law enforcement grant funding through the Byrne Jag Justice Assistance Grant (JAG) remains in jeopardy, contingent upon compliance with federal SORNA mandates. The current penalty for the State of New Mexico averages \$118,700 per year for expenditure on SORNA activities.

SIGNIFICANT ISSUES

This bill represents a major milestone in New Mexico's efforts to achieve federal SORNA compliance and brings the state substantially closer to meeting federal standards than at any point under current law. It modernizes and strengthens the sex offender registration framework, resolves multiple longstanding deficiencies, and reflects a serious and sustained commitment to alignment with federal requirements. The progress made by this legislation is both meaningful and consequential, narrowing the scope of non-compliance to a far more limited and defined set of issues than previously existed.

Notwithstanding these significant advances, some areas of non-compliance remain that would require additional work to fully address. Federal SORNA mandates registration for certain federal, military, and foreign sex offenses even when no direct state-law equivalent exists. While the bill expands coverage, it does not fully incorporate all federally required offenses, leaving gaps for military-only and some foreign convictions. Addressing these gaps would require additional statutory provisions expressly incorporating federal, military, and foreign SORNA offenses or carefully drafted cross-referencing language.

SORNA also requires certain juveniles, adjudicated delinquent for serious sex offenses, to register under limited circumstances. New Mexico's youthful offender framework does not fully align with these requirements, resulting in gaps in coverage for certain juvenile adjudications and conspiracy offenses. Compliance in this area would require targeted statutory amendments and careful policy consideration.

In addition, SORNA requires retroactive application of registration requirements and specific international travel notification protocols. New Mexico's multiple registration schemes based on conviction date create retroactivity gaps, and current law does not fully codify advance international travel notice and federal notification requirements. Addressing these issues would require a more unified statutory approach and interagency coordination.

Taken together, these remaining areas of non-compliance reflect the breadth and complexity of the registration scheme imposed by the federal Adam Walsh Child Protection and Safety Act, which significantly expanded state obligations nationwide. Fully addressing these requirements involves substantial statutory, policy, and operational work beyond the scope of a single bill. Against that backdrop, the steps taken in this legislation are both significant and impactful, resolving major deficiencies and moving New Mexico markedly closer to federal compliance.

PERFORMANCE IMPLICATIONS

HB199 significantly strengthens SORNA by modernizing definitions, tightening timelines, and clarifying responsibilities in ways that materially improve system performance and public safety outcomes. By reducing registration and updating deadlines from five (5) days to three (3) business days, the bill ensures that law enforcement has more current, actionable information during the highest-risk transition periods, such as release from custody, relocation, or changes in employment or schooling. The clarified standards for residency, habitual living, out-of-state registrants, and employment eliminate ambiguity that has historically complicated enforcement, leading to more consistent application across counties and jurisdictions.

The tier restructuring and revised offense classifications further enhance the effectiveness of the registry by aligning supervision levels with federal compliance standards. Extending Tier 1 registration from ten (10) years to fifteen (15) years, creating a Tier 2 with a registration duration of twenty-five (25) years, and standardizing Tier 1 and Tier 3 durations ensures sustained visibility for law enforcement and prevents premature loss of critical information. Expanded offense lists within each tier, clearer treatment of attempts, and uniform treatment of out-of-state registrants' close longstanding gaps that previously allowed inconsistent monitoring. Increased in-person verification schedules improved data accuracy, identity verification, and accountability while reinforcing the registry's integrity as a reliable law enforcement resource.

The bill also delivers meaningful improvements in transparency, coordination, and data quality that strengthen both operational effectiveness and community trust. Enhancements to public notification and website provisions standardize access across all tiers, support proactive community awareness, and reinforce consistent interagency communication among sheriffs, prosecutors, municipalities, and DPS.

Ultimately, this legislation represents a comprehensive and forward-looking enhancement of New Mexico's sex offender registration framework, and the DPS strongly supports it. The bill closes enforcement gaps, strengthens compliance with federal standards, improves the accuracy and usefulness of registry data, and equips law enforcement with the tools needed to better protect communities statewide. HB199 will significantly advance public safety, accountability, and public confidence in the state's registration and notification system.

ADMINISTRATIVE IMPLICATIONS

The bill's enhancements may increase operational demands on county sheriffs and DPS. Shorter compliance deadlines, expanded in-person reporting requirements, longer registration periods, and continued growth of the registry population will require additional staff time, scheduling capacity, and data management resources. To implement these changes effectively, administrative agencies will need to update internal policies and procedures, revise registration forms and guidance materials, and provide targeted training to ensure consistent and compliant application statewide. However, these changes are administrative in nature and are not expected to require new staffing positions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No direct conflicts, duplication, companionship, or relationship have been identified.

TECHNICAL ISSUES

Statutory cross-references may need to be updated to reflect amended sections, and conforming language changes may be necessary to ensure consistency throughout the Act. Clear implementation guidance may also be required to address technical compliance details and support uniform application across jurisdictions.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The enactment of the federal Adam Walsh Child Protection and Safety Act created extensive and ongoing statutory, operational, and technological requirements for states, many of which go well beyond traditional registration frameworks. New Mexico has made progress over time, but significant gaps remain. Although further work remains to achieve full federal compliance, this legislation meaningfully advances New Mexico's progress toward compliance by addressing some of the most labor-intensive and consequential SORNA requirements.

Failure to enact the bill would leave substantial deficiencies unaddressed, prolong exposure to potential reductions in federal justice assistance funding, and continue to undermine the effectiveness, consistency, and credibility of the state's sex offender registration and notification system. Enactment of this bill establishes a strong foundation for the additional statutory, administrative, and technical work still required to fully satisfy federal standards and protect public safety statewide.

AMENDMENTS

Changes in Section 2, Subparagraph J (amending Section 29-11A-3. Definitions; "sex offense")

Subsection (6)—definition of "kidnapping:" Adding "and when the victim is younger than eighteen years of age;" at the end of the sentence.

Subsection (7)—definition of "false imprisonment:" Adding "and when the victim is younger than eighteen years of age and when the offender is someone other than the victim's parent, guardian, or parental custodian;" at the end of the sentence.

Subsection (10)—definition of "incest:" Removing "when the victim is younger than eighteen years of age"

Subsection (11)—definition of "child solicitation by electronic communication device:" Removing "for convictions occurring on or after July 1, 2013"

Subsection (12)—definition "solicitation to commit criminal sexual contact of a minor in the second, third or fourth degree:" Removing subsection in its entirety.

Renumbering the subsections and references to subsections accordingly after the above changes are made.

Changes in Section 2, Subparagraph M (amending Section 29-11A-3. Definitions; “tier 1 sex offense”)

Subsection (2) “sexual exploitation of children, as provided in subsection A of Section 30-6A-3 NMSA 1978;” Removing subsection in its entirety.

Subsection (3) “criminal sexual contact in the fourth degree, as provided in Section 30-9-12 NMSA 1978;” Removing subsection in its entirety.

Adding a new Subsection— “sexual exploitation of children, as provided in Section 30-6A-3 NMSA 1978;”

Adding a new Subsection— “criminal sexual penetration in the fourth degree as provided in section 30-9-11 NMSA 1978;”

Adding a new Subsection—“false imprisonment, as provided in Section 30-4-3 NMSA 1978, when committed with the intent to inflict a sexual offense and when the victim is younger than eighteen years of age and when the offender is someone other than the victim’s parent, guardian, or parental custodian;”

Adding a new Subsection— “any registerable sex offense that does not meet criteria for a tier 2 or tier 3 sex offense.”

Renumbering the subsections and references to subsections accordingly after the above changes are made.

Changes in Section 2, Subparagraph N (amending Section 29-11A-3. Definitions; “tier 2 sex offense”)

Subsection (1) “sexual exploitation of children, as provided in Section 30-6A-3 NMSA 1978;” Removing subsection in its entirety.

Subsection (2) “sexual exploitation of children by prostitution, as provided in Section 30-6A-4 NMSA 1978;” Removing subsection in its entirety.

Subsection (3) “false imprisonment, as provided in Section 30-4-3 NMSA 1978, when committed with the intent to inflict a sexual offense;” Removing subsection in its entirety.

Subsection (7) “criminal sexual penetration in the fourth degree, as provided in Section 30-9-11 NMSA 1978, when the victim is sixteen years of age or older;” Removing subsection in its entirety.

Subsection (11) “human trafficking, as provided in Section 30-52-1 NMSA 1978, for sexual purpose, when the victim is younger than sixteen years of age;” Removing subsection in its entirety.

Renumbering the subsections and references to subsections accordingly after the above changes are made.

Changes in Section 2, Subparagraph O (amending Section 29-11A-3. Definitions; “tier 3 sex offense”)

Subsection (3) “criminal sexual penetration in the fourth degree, as provided in Section 30-9-11 NMSA 1978, when the victim is younger than sixteen years of age;” Removing subsection in its entirety.

Subsection (4) “criminal sexual contact of a minor;” Removing “when the victim is younger than thirteen years of age;”

Adding a new Subsection—“criminal sexual contact in the fourth degree, as provided in Section 30-9-12 NMSA 1978;”

Adding a new Subsection—“sexual exploitation of children by prostitution, as provided in Section 30-6A-4 NMSA 1978;”

Adding a new Subsection—“human trafficking, as provided in section 30-52-1 NMSA 1978, for a sexual purpose, when the victim is younger than sixteen years of age;”

- Page 12 line 28 changed paragraph “4 to 6” of this subsection

Renumbering the subsections and references to subsections accordingly after the above changes are made.

Changes in Section 3, Subparagraph B (amending Section 29-11A-4. Registration of Sex Offenders--Information Required--Verification--Penalty for Noncompliance)

Removing “children, youth and families” and replacing with “with the county sheriff for the county where the juvenile sex offender resides” in its place.

Changes in Section 3, Subparagraph O (amending Section 29-11A-4. Registration of Sex Offenders--Information Required--Verification--Penalty for Noncompliance)

Removing the last sentence: “A sex offender shall be relieved of the in person verification requirements of this subsection if the sex offender is confined to a hospice facility or skilled nursing home.” in its entirety.

Section 5, Subparagraph G (amending Section 29-11A-5. Local Registry—Central Registry—Administration by Department [~~of Public Safety]~~--Participation in the National Sex Offender Registry--Rules)

Removing subparagraph in its entirety: “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. Within ten days of receiving the notice, the department of 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 New Mexico from all law enforcement databases.”

Section 6, Subparagraph A (amending Section 29-11A-5.1. Public Access to Information Regarding Certain Registered Sex Offenders—Active Community Notification—[~~Internet Website]~~--Website)

Adding the following language “tier 1 sex offense” and “either in state or out of state” and deleting “or required to register as a lifetime sex offender or as a result of an out of state conviction.”

The subparagraph should read as follows: “If a sex offender is convicted of a tier 1 sex offense, tier 2 sex offense, or tier 3 sex offense, either in state or out of state, the county sheriff shall forward registration information obtained from the sex offender to the district attorney for the judicial district in which the sex offender resides and, if the sex offender is a resident of a municipality, the chief law enforcement officer for the municipality in which the sex offender resides.”