

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 199

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; AMENDING SECTIONS OF THE  
SEX OFFENDER REGISTRATION AND NOTIFICATION ACT TO COMPLY WITH  
FEDERAL LAW.

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

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

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

A. The legislature finds that:

- (1) sex offenders pose a significant risk of  
recidivism; and
- (2) the efforts of law enforcement agencies to  
protect their communities from sex offenders are impaired by  
the lack of information available concerning convicted sex  
offenders who live within the agencies' jurisdictions.

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1           B. The purpose of the Sex Offender Registration and  
2 Notification Act is to comply with the provisions of the  
3 federal Adam Walsh Child Protection and Safety Act of 2006 and  
4 to assist law enforcement agencies' efforts to protect their  
5 communities by:

6                   (1) requiring a sex ~~[offenders]~~ offender who  
7 ~~[are residents]~~ is a resident of New Mexico to register with  
8 the county sheriff of the county in which the sex offender  
9 resides;

10                   (2) requiring a sex ~~[offenders]~~ offender who  
11 ~~[are residents]~~ is a resident in ~~[other states]~~ another state,  
12 but who ~~[are]~~ is employed in New Mexico or who ~~[attend]~~ attends  
13 school in New Mexico, to register with the county sheriff of  
14 the county in which the sex offender works or attends school;

15                   (3) requiring the establishment of a central  
16 registry for sex offenders; and

17                   (4) providing public access to information  
18 regarding certain registered sex offenders."

19           **SECTION 2.** Section 29-11A-3 NMSA 1978 (being Laws 1995,  
20 Chapter 106, Section 3, as amended) is amended to read:

21           "29-11A-3. DEFINITIONS.--As used in the Sex Offender  
22 Registration and Notification Act:

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

25                   B. "conviction" means a conviction in any court of

1 competent jurisdiction and includes a deferred sentence, but  
2 does not include a conditional discharge;

3 C. "department" means the department of public  
4 safety;

5 ~~[D. "institution of higher education" means a:~~

6 ~~(1) private or public post-secondary~~  
7 ~~educational institution;~~

8 ~~(2) trade school; or~~

9 ~~(3) professional school;~~

10 ~~E.]~~ D. "habitually lives" means any place where a  
11 sex offender lives for at least thirty days in any three-  
12 hundred-sixty-five-day period;

13 E. "institution of higher education" means a:

14 (1) private or public post-secondary  
15 educational institution;

16 (2) trade school; or

17 (3) professional school;

18 F. "out-of-state registrant" means any person who  
19 establishes a residence, is employed or attends school in New  
20 Mexico while the person is required to register as a sex  
21 offender in another state or territory;

22 G. "registration requirement" means any requirement  
23 set forth in Section 29-11A-4 NMSA 1978 that requires a sex  
24 offender to register; provide information, including a DNA  
25 sample; renew, revise or change registration information; or

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1 provide written notice or disclosure regarding the sex  
2 offender's status as a sex offender;

3 H. "sex offender" means a person who:

4 (1) is a resident of New Mexico who, on or  
5 after July 1, 1995, is convicted of a sex offense pursuant to  
6 state, federal, tribal or military law;

7 (2) changes residence to New Mexico, when that  
8 person has been convicted of a sex offense pursuant to state,  
9 federal, tribal or military law;

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

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

18 (a) employed full time or part time in  
19 New Mexico for a period of time exceeding fourteen days or for  
20 an aggregate period of time exceeding thirty days during any  
21 calendar year, including any employment or vocation, whether  
22 financially compensated, volunteered or for the purpose of  
23 government or educational benefit; or

24 (b) enrolled on a full-time or part-time  
25 basis in a private or public school or an institution of higher

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1 education in New Mexico;

2 I. "sex offense" means any of the following  
3 offenses or their equivalents in any other jurisdiction  
4 committed on or after the date the offense became registrable  
5 in New Mexico:

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

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

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

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

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

18 (6) kidnapping, as provided in Section 30-4-1  
19 NMSA 1978, when committed with the intent to inflict a sexual  
20 offense and when the victim is younger than eighteen years of  
21 age;

22 (7) false imprisonment, as provided in Section  
23 30-4-3 NMSA 1978, when committed with the intent to inflict a  
24 sexual offense and when the victim is younger than eighteen  
25 years of age and when the offender is someone other than the

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1 victim's parent, guardian or parental custodian;

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

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

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

9 (11) child solicitation by electronic  
10 communication device, as provided in Section 30-37-3.2 NMSA  
11 1978; [~~for convictions occurring on or after July 1, 2013]~~

12 (12) 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; [~~or~~]

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

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

24 (15) accepting earnings of a prostitute, as  
25 provided in Section 30-9-4.1 NMSA 1978, when there is a

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1 separate finding of fact that the sex offender knew or should  
 2 have known that the person engaged in prostitution was younger  
 3 than sixteen years of age;

4 (16) human trafficking, as provided in Section  
 5 30-52-1 NMSA 1978, for a sexual purpose and when the victim is  
 6 younger than sixteen years of age;

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

9 (18) voyeurism, as provided in Section 30-9-20  
 10 NMSA 1978, when the victim is younger than eighteen years of  
 11 age; or

12 [~~(13)~~] (19) attempt to commit any of the sex  
 13 offenses set forth in Paragraphs (1) through [~~(11)~~] (18) of  
 14 this subsection, as provided in Section 30-28-1 NMSA 1978;  
 15 [~~and~~]

16 J. "sexually violent offense" means aggravated  
 17 criminal sexual penetration, criminal sexual penetration in the  
 18 first degree, criminal sexual penetration in the second degree  
 19 or criminal sexual penetration in the third degree;

20 [~~J.~~] K. "social networking site" means [~~an internet~~  
 21 ~~web site~~] a website that facilitates online social interaction  
 22 by offering a mechanism for communication with other users,  
 23 where such users are likely to include a substantial number of  
 24 minors under the age of sixteen, and allowing users, through  
 25 the creation of web pages, profiles or other means, to provide

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1 information about themselves that is available to the public or  
2 to other users;

3 L. "tier 1 sex offense" means:

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

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

8 (3) criminal sexual penetration in the fourth  
9 degree, as provided in Section 30-9-11 NMSA 1978;

10 (4) aggravated indecent exposure, as provided  
11 in Section 30-9-14.3 NMSA 1978;

12 (5) false imprisonment, as provided in Section  
13 30-4-3 NMSA 1978, when committed with the intent to inflict a  
14 sexual offense and when the victim is younger than eighteen  
15 years of age and when the offender is someone other than the  
16 victim's parent, guardian or parental custodian;

17 (6) voyeurism, as provided in Section 30-9-20  
18 NMSA 1978, when the victim is younger than eighteen years of  
19 age;

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

23 (8) any registrable sex offense that does not  
24 meet the criteria for a tier 2 or tier 3 sex offense; or

25 (9) attempt to commit any of the sex offenses

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1 set forth in Paragraphs (1) through (8) of this subsection, as  
2 provided in Section 30-28-1 NMSA 1978;

3 M. "tier 2 sex offense" means:

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

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

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

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

21 (5) incest, as provided in Section 30-10-3  
22 NMSA 1978;

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

25 (7) child solicitation by electronic

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1 communication device, as provided in Subsection C of Section  
2 30-37-3.2 NMSA 1978; and

3 (8) attempt to commit any of the sex offenses  
4 set forth in Paragraphs (1) through (7) of this subsection, as  
5 provided in Section 30-28-1 NMSA 1978; and

6 N. "tier 3 sex offense" means:

7 (1) kidnapping, as provided in Section 30-4-1  
8 NMSA 1978, when committed with intent to inflict a sex offense  
9 and when the victim is younger than eighteen years of age;

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

12 (3) aggravated criminal sexual penetration or  
13 criminal sexual penetration in the first, second or third  
14 degree, as provided in Section 30-9-11 NMSA 1978;

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

17 (5) human trafficking, as provided in Section  
18 30-52-1 NMSA 1978, for a sexual purpose and when the victim is  
19 younger than sixteen years of age;

20 (6) criminal sexual contact of a minor, as  
21 provided in Section 30-9-13 NMSA 1978; and

22 (7) attempt to commit any of the sex offenses  
23 set forth in Paragraphs (1) through (6) of this subsection, as  
24 provided in 30-28-1 NMSA 1978."

25 SECTION 3. Section 29-11A-4 NMSA 1978 (being Laws 1995,

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1 Chapter 106, Section 4, as amended) is amended to read:

2 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION  
3 REQUIRED--VERIFICATION--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

4 A. A sex offender residing in this state shall  
5 register with the county sheriff for the county in which the  
6 sex offender resides.

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

- 18 (1) the sex offender's legal name and any  
19 other names or aliases that the sex offender is using or has  
20 used;
- 21 (2) the sex offender's date of birth;
- 22 (3) the sex offender's social security number;
- 23 (4) the sex offender's current physical and  
24 mailing address and the address of every place where the sex  
25 offender habitually lives;

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- 1 (5) the sex offender's place of employment;  
2 (6) the sex offense for which the sex offender  
3 was convicted;  
4 (7) the date and place of the sex offense  
5 conviction;  
6 (8) the sex offender's names, email addresses  
7 and monikers and other self-identifiers used on social  
8 networking sites, to be used only for law enforcement purposes;  
9 (9) the sex offender's landline and cellular  
10 telephone numbers and any other telephone numbers primarily  
11 used by the sex offender;  
12 (10) the sex offender's professional licenses;  
13 (11) the license plate or other identifier and  
14 the description of any vehicle owned or primarily operated by  
15 the sex offender, including aircraft and watercraft;  
16 (12) the name and address of any school or  
17 institution of higher education that the sex offender is  
18 attending; and  
19 (13) copies of the sex offender's passport and  
20 immigration documents.

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

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1 or an institution of higher education no later than three  
2 business days after beginning work or attending school in New  
3 Mexico.

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

12 (1) the sex offender's legal name and any  
13 other names or aliases that the sex offender is using or has  
14 used;

15 (2) the sex offender's date of birth;

16 (3) the sex offender's social security number;

17 (4) the sex offender's current physical and  
18 mailing address in the sex offender's state of residence and,  
19 if applicable, the address of the sex offender's place of  
20 lodging in New Mexico while working or attending school or an  
21 institution of higher education;

22 (5) the sex offender's place of employment or  
23 the name of the school the sex offender is attending;

24 (6) the sex offense for which the sex offender  
25 was convicted; and

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1 (7) the date and place of the sex offense  
2 conviction.

3 E. When a sex offender registers with a county  
4 sheriff, the sheriff shall obtain:

5 (1) a photograph of the sex offender and a  
6 complete set of the sex offender's fingerprints and a palm  
7 print;

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

12 (3) a DNA sample for inclusion in the sex  
13 offender DNA identification system pursuant to the provisions  
14 of the DNA Identification Act.

15 F. When a sex offender who is registered changes  
16 any information required under this section, the sex offender  
17 shall send written notice of the change on a form approved by  
18 the department to the county sheriff no later than [~~five~~] three  
19 business days after the change occurs.

20 G. When a sex offender who is registered changes  
21 residence to a new county in New Mexico, the sex offender shall  
22 register in person with the county sheriff of the new county no  
23 later than [~~five~~] three business days after establishing the  
24 new residence. The sex offender shall also send written notice  
25 of the change in residence to the county sheriff with whom the

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1 sex offender last registered no later than [~~five~~] three  
2 business days after establishing the new residence.

3 H. When a sex offender who is registered or  
4 required to register is homeless or does not have an  
5 established residence, but lives in a shelter, halfway house or  
6 transitional living facility or stays in multiple locations in  
7 New Mexico, the sex offender shall register each address or  
8 temporary location with the county sheriff for each county in  
9 which the sex offender is living or temporarily located. The  
10 sex offender shall register in person no later than [~~five~~]  
11 three business days after a change in living arrangements or  
12 temporary location.

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

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1 higher education to the county sheriff, the law enforcement  
2 entity and the registrar no later than [~~five~~] three business  
3 days after the change in employment, vocation or enrollment  
4 status.

5 J. When a sex offender who is registered or  
6 required to register is employed or is enrolled as a student at  
7 a public or private school in New Mexico, the sex offender  
8 shall disclose the sex offender's status as a sex offender in  
9 writing to the county sheriff for the county in which the  
10 school is located and to the principal of the school no later  
11 than [~~five~~] three business days after beginning employment or  
12 enrolling at the school. The sex offender shall also send  
13 written notice of any change regarding employment or enrollment  
14 status at a school to the county sheriff and the principal no  
15 later than [~~five~~] three business days after the change in  
16 employment or enrollment status.

17 K. When a sex offender who is registered or  
18 required to register is employed, begins a vocation or  
19 volunteers services in New Mexico, regardless of whether the  
20 sex offender receives payment or other compensation, the sex  
21 offender shall disclose the sex offender's status as a sex  
22 offender in writing to the sex offender's employer, supervisor  
23 or person similarly situated. The written disclosure shall be  
24 made immediately upon beginning employment, vocation or  
25 volunteer service.

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1 L. Following initial registration pursuant to the  
2 provisions of this section:

3 (1) a sex offender [~~required to register~~  
4 ~~pursuant to the provisions of Subsection D of Section 29-11A-5~~  
5 ~~NMSA 1978~~] convicted of a tier 3 sex offense shall verify  
6 registration information with the county sheriff as provided in  
7 Subsection N of this section not less than once in each ninety-  
8 day period following the date of the sex offender's initial  
9 registration for the remainder of the sex offender's natural  
10 life;

11 (2) a sex offender [~~required to register~~  
12 ~~pursuant to the provisions of Subsection E of Section 29-11A-5~~  
13 ~~NMSA 1978~~] convicted of a tier 2 sex offense shall verify  
14 registration information with the county sheriff as provided in  
15 Subsection N of this section once every six months for a period  
16 of [~~ten~~] twenty-five years [~~and~~] from the date of initial  
17 registration;

18 (3) a sex offender convicted of a tier 1 sex  
19 offense shall annually verify registration information with the  
20 county sheriff as provided in Subsection N of this section  
21 prior to December 31 of each subsequent calendar year for a  
22 period of fifteen years from the date of initial registration;

23 (4) a sex offender required to register for  
24 the remainder of the sex offender's natural life as the result  
25 of an out-of-state conviction shall verify registration

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1 information with the county sheriff as provided in Subsection N  
2 of this section not less than once in each ninety-day period  
3 for the remainder of the sex offender's natural life; and

4 [~~3~~] (5) an out-of-state registrant shall  
5 verify registration information with the county sheriff as  
6 provided in Subsection N of this section for [~~whichever is the~~  
7 ~~longer of:~~

8 (a)] the duration of time remaining in  
9 the registrant's convicting jurisdiction and at the same  
10 frequency as required in that state or territory, but no less  
11 than once every six months [~~or~~

12 (b) ~~the duration of time remaining that~~  
13 ~~would be required for the equivalent offense in New Mexico].~~

14 M. Notwithstanding the provisions of [~~Paragraph (2)~~  
15 ~~of Subsection L~~] Paragraphs (2) and (3) of Subsection L of this  
16 section, if a sex offender is convicted a second or subsequent  
17 time for a sex offense [~~set forth in Subsection E of Section~~  
18 ~~29-11A-5 NMSA 1978~~], the sex offender shall verify registration  
19 information with the county sheriff as provided in Subsection N  
20 of this section not less than once in each ninety-day period  
21 following the date of the sex offender's initial registration  
22 for the remainder of the sex offender's natural life.

23 N. At least fifteen days prior to the time a sex  
24 offender is required to verify registration information, the  
25 department shall send a verification form to the sex offender,

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

16 ~~[0. The department shall establish a secure system~~  
 17 ~~that will permit a sex offender to notify the department~~  
 18 ~~electronically of any change in registration information.]~~

19 0. A sex offender shall appear in person in the  
 20 county where the sex offender resides to notify the county  
 21 sheriff of the sex offender's change of name, change of  
 22 residence, change of employment or change in student status no  
 23 later than three days after the change.

24 P. A sex offender who willfully or knowingly fails  
 25 to comply with the registration or verification requirements

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1 set forth in this section is guilty of a fourth degree felony  
2 and shall be sentenced pursuant to the provisions of Section  
3 31-18-15 NMSA 1978. A sex offender who willfully or knowingly  
4 fails to comply with the registration or verification  
5 requirements set forth in this section after a first or  
6 subsequent conviction for a violation pursuant to this section  
7 is guilty of a third degree felony and shall be sentenced  
8 pursuant to the provisions of Section 31-18-15 NMSA 1978. The  
9 willful failure to comply with any registration or verification  
10 requirement set forth in this section shall be deemed part of a  
11 continuing transaction or occurrence. A conviction pursuant to  
12 this subsection shall not be considered a felony for purposes  
13 of the imposition of sentencing enhancements pursuant to the  
14 provisions of Section 31-18-17 NMSA 1978.

15 Q. A sex offender who willfully or knowingly  
16 provides false information when complying with the registration  
17 or verification requirements set forth in this section is  
18 guilty of a fourth degree felony and shall be sentenced  
19 pursuant to the provisions of Section 31-18-15 NMSA 1978. A  
20 sex offender who willfully or knowingly provides false  
21 information when complying with the registration or  
22 verification requirements set forth in this section after a  
23 first or subsequent conviction for a violation pursuant to this  
24 section is guilty of a third degree felony and shall be  
25 sentenced pursuant to the provisions of Section 31-18-15 NMSA

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1 1978. The willful providing by a sex offender of false  
 2 information with respect to the registration or verification  
 3 requirements set forth in this section shall be deemed part of  
 4 a continuing transaction or occurrence. A conviction pursuant  
 5 to this subsection shall not be considered a felony for  
 6 purposes of the imposition of sentencing enhancements pursuant  
 7 to the provisions of Section 31-18-17 NMSA 1978."

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

10 "29-11A-4.1. PROCEDURES WHEN A SEX OFFENDER MOVES FROM  
 11 NEW MEXICO TO ANOTHER STATE.--

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

15 (1) notify the county sheriff of the county  
 16 ~~[he]~~ the sex offender resides in that ~~[he]~~ the sex offender is  
 17 moving to the other state; and

18 (2) provide the county sheriff with a written  
 19 notice that identifies the state to which the sex offender is  
 20 moving.

21 B. Within five days of receiving a sex offender's  
 22 written notice of intent to move to another state, the county  
 23 sheriff shall transmit that information to the department ~~[of~~  
 24 ~~public safety]~~. Within five days of receiving that information  
 25 from a county sheriff, the department shall contact the state

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1 agency responsible for registering sex offenders in the state  
2 to which the sex offender is moving. The department shall  
3 provide that state agency with registration information  
4 regarding the sex offender. The department shall also obtain  
5 information regarding registration requirements for sex  
6 offenders in the state to which the sex offender is moving.  
7 The department shall provide the sex offender with written  
8 notification of the registration requirements in the state to  
9 which the sex offender is moving.

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

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

18 "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--  
19 ADMINISTRATION BY THE DEPARTMENT [~~OF PUBLIC SAFETY~~]  
20 PARTICIPATION IN THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

21 A. A county sheriff shall maintain a local registry  
22 of sex offenders in the sheriff's jurisdiction required to  
23 register pursuant to the provisions of the Sex Offender  
24 Registration and Notification Act.

25 B. The county sheriff shall forward:

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1 (1) registration information obtained from sex  
2 offenders to the department [~~of public safety~~]. The initial  
3 registration information and any new registration information  
4 subsequently obtained from a sex offender shall be forwarded by  
5 the county sheriff no later than ten working days after the  
6 information is obtained from a sex offender. If the department  
7 [~~of public safety~~] receives information regarding a sex  
8 offender from a governmental entity other than a county  
9 sheriff, the department shall send that information to the  
10 sheriff for the county in which the sex offender resides; and

11 (2) samples of DNA obtained from sex offenders  
12 to the administrative center for the sex offender DNA  
13 identification system pursuant to the provisions of the DNA  
14 Identification Act.

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

25 D. The department [~~of public safety~~] shall retain

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1 registration information regarding a sex offender convicted  
2 [~~for any of the following sex offenses for the entirety~~] of a  
3 tier 3 sex offense for the remainder of the sex offender's  
4 natural life.

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

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

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

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

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

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

21 E. The department [~~of public safety~~] shall retain  
22 registration information regarding a sex offender convicted  
23 [~~for the following offenses~~] of a tier 2 sex offense for a  
24 period of [~~ten~~] twenty-five years following the latest of the  
25 sex offender's conviction, release from prison or release from

1 probation or parole. [~~whichever occurs later:~~

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

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

6 ~~(3) false imprisonment, as provided in Section~~  
7 ~~30-4-3 NMSA 1978, when the victim is less than eighteen years~~  
8 ~~of age and the offender is not a parent of the victim;~~

9 ~~(4) aggravated indecent exposure, as provided~~  
10 ~~in Section 30-9-14.3 NMSA 1978;~~

11 ~~(5) enticement of child, as provided in~~  
12 ~~Section 30-9-1 NMSA 1978;~~

13 ~~(6) incest, as provided in Section 30-10-3~~  
14 ~~NMSA 1978, when the victim is less than eighteen years of age;~~

15 ~~(7) solicitation to commit criminal sexual~~  
16 ~~contact of a minor in the second, third or fourth degree, as~~  
17 ~~provided in Sections 30-9-13 and 30-28-3 NMSA 1978;~~

18 ~~(8) child solicitation by electronic~~  
19 ~~communication device, as provided in Section 30-37-3.2 NMSA~~  
20 ~~1978; or~~

21 ~~(9) attempt to commit any of the sex offenses~~  
22 ~~set forth in Paragraphs (1) through (6) of this subsection, as~~  
23 ~~provided in Section 30-28-1 NMSA 1978]~~

24 F. The department shall retain registration  
25 information regarding a sex offender convicted of a tier 1 sex

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1 offense for a period of fifteen years following the latest of  
2 the sex offender's conviction, release from prison or release  
3 from probation or parole.

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

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

17 SECTION 6. Section 29-11A-5.1 NMSA 1978 (being Laws 1999,  
18 Chapter 19, Section 8, as amended) is amended to read:

19 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
20 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY  
21 NOTIFICATION-- [~~INTERNET WEB SITE~~] WEBSITE.--

22 A. If a sex offender is convicted of [~~one of the~~  
23 ~~following sex offenses~~] a tier 1 sex offense, tier 2 sex  
24 offense or tier 3 sex offense, either in state or out of state,  
25 the county sheriff shall forward registration information

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1 obtained from the sex offender to the district attorney for the  
 2 judicial district in which the sex offender resides and, if the  
 3 sex offender is a resident of a municipality, the chief law  
 4 enforcement officer for the municipality in which the sex  
 5 offender resides.

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

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

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

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

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

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

22 (1) sheriff for the county in which the sex  
 23 offenders reside;

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

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

3 (4) secretary of public safety.

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

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

20 E. The department shall establish and manage [~~an~~  
21 ~~internet web site~~] a website that provides the public with  
22 registration information regarding sex offenders described in  
23 Subsection A of this section, except that the department shall  
24 not provide registration information on the [~~internet web site~~]  
25 website regarding a sex offender who was less than eighteen

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

13 (1) the sex offender's legal name and any  
14 other names or aliases that the sex offender is using or has  
15 used;

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

18 (3) [~~if the sex offender's employment involves~~  
19 ~~direct contact with children]~~ the sex offender's place of  
20 employment;

21 (4) the sex offenses for which the sex  
22 offender has been convicted;

23 (5) a photograph of the sex offender;

24 (6) the sex offender's date of birth;

25 (7) a physical description, including a

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

4 (8) a link that will pinpoint the location of  
5 the sex offender's place of employment [~~if the sex offender has~~  
6 ~~direct contact with children~~]."

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

9 "29-11A-7. NOTICE TO SEX OFFENDERS OF DUTY TO REGISTER.--

10 A. A court shall provide a sex offender convicted  
11 in that court with written notice of [~~his~~] the sex offender's  
12 duty to register pursuant to the provisions of the Sex Offender  
13 Registration and Notification Act. The written notice shall be  
14 included in judgment and sentence forms provided to the sex  
15 offender. The written notice shall inform the sex offender  
16 that [~~he~~] the sex offender is required to:

17 (1) register with the county sheriff for the  
18 county in which the sex offender will reside or, if the sex  
19 offender will not have an established residence, with the  
20 county sheriff for each county in which the sex offender will  
21 live or be temporarily located pursuant to the provisions of  
22 the Sex Offender Registration and Notification Act;

23 (2) report subsequent changes of address  
24 pursuant to the provisions of the Sex Offender Registration and  
25 Notification Act;

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1 (3) notify the county sheriff of the county  
2 [~~he~~] the sex offender resides in if the sex offender intends to  
3 move to another state and that the sex offender is required to  
4 register in the other state pursuant to the provisions of the  
5 Sex Offender Registration and Notification Act;

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

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

21 (6) disclose [~~his~~] the sex offender's status  
22 as a sex offender in writing, when [~~he~~] the sex offender  
23 enrolls as a student at a private or public school in New  
24 Mexico, to the county sheriff for the county in which the  
25 school is located and to the principal of the school pursuant

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

3 (7) provide written notice of any change  
4 regarding [~~his~~] the sex offender's enrollment status at a  
5 public or private school in New Mexico to the county sheriff  
6 and the principal of the school pursuant to the provisions of  
7 the Sex Offender Registration and Notification Act;

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

16 (9) read and sign a form that indicates that  
17 the sex offender has received the written notice and that a  
18 responsible court official, designated by the chief judge for  
19 that judicial district, has explained the written notice to the  
20 sex offender.

21 B. The corrections department, a municipal or  
22 county jail or a detention center, at the time of release of a  
23 sex offender in its custody, shall provide a written notice to  
24 the sex offender of [~~his~~] the sex offender's duty to register,  
25 pursuant to the provisions of the Sex Offender Registration and

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1 Notification Act. The written notice shall inform the sex  
2 offender that [~~he~~] the sex offender is required to:

3 (1) register with the county sheriff for the  
4 county in which the sex offender will reside or, if the sex  
5 offender will not have an established residence, with the  
6 county sheriff for each county in which the sex offender will  
7 live or be temporarily located pursuant to the provisions of  
8 the Sex Offender Registration and Notification Act;

9 (2) report subsequent changes of address  
10 pursuant to the provisions of the Sex Offender Registration and  
11 Notification Act;

12 (3) notify the county sheriff of the county  
13 [~~he~~] the sex offender resides in if the sex offender intends to  
14 move to another state and that the sex offender is required to  
15 register in the other state pursuant to the provisions of the  
16 Sex Offender Registration and Notification Act;

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

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1                   (5) provide written notice of any change  
2 regarding [~~his~~] the sex offender's employment, vocation or  
3 enrollment status at an institution of higher education to the  
4 county sheriff, the law enforcement entity and the registrar  
5 pursuant to the provisions of the Sex Offender Registration and  
6 Notification Act;

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

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

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

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1 Registration and Notification Act; and

2 (9) read and sign a form that indicates that  
3 the sex offender has received the written notice and that a  
4 responsible corrections department official, designated by the  
5 secretary of corrections, or a responsible municipal or county  
6 jail official or detention center official has explained the  
7 written notice to the sex offender.

8 C. A court, the corrections department, a municipal  
9 or county jail or a detention center shall also provide written  
10 notification regarding a sex offender's release to the sheriff  
11 of the county in which the sex offender is released and to the  
12 department of public safety.

13 D. The department [~~of public safety~~], at the time  
14 it is notified by officials from another state that a sex  
15 offender will be establishing residence in New Mexico, shall  
16 provide written notice to the sex offender of [~~his~~] the sex  
17 offender's duty to register pursuant to the provisions of the  
18 Sex Offender Registration and Notification Act."

19 **SECTION 8. APPLICABILITY.**--The provisions of this act  
20 apply to any person convicted of a sex offense on or after July  
21 1, 1995.