

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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underscored material = new
[bracketed material] = delete

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

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

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. "social networking site" means ~~[an internet web~~
17 ~~site]~~ a website that facilitates online social interaction by
18 offering a mechanism for communication with other users, where
19 such users are likely to include a substantial number of minors
20 under the age of sixteen, and allowing users, through the
21 creation of web pages, profiles or other means, to provide
22 information about themselves that is available to the public or
23 to other users;

24 K. "tier 1 sex offense" means:

25 (1) enticement of child, as provided in

1 Section 30-9-1 NMSA 1978;

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

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

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

8 (5) false imprisonment, as provided in Section
9 30-4-3 NMSA 1978, when committed with the intent to inflict a
10 sexual offense and when the victim is younger than eighteen
11 years of age and when the offender is someone other than the
12 victim's parent, guardian or parental custodian;

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

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

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

21 (9) attempt to commit any of the sex offenses
22 set forth in Paragraphs (1) through (8) of this subsection, as
23 provided in Section 30-28-1 NMSA 1978;

24 L. "tier 2 sex offense" means:

25 (1) patronizing prostitutes, as provided in

1 Subsection B of Section 30-9-3 NMSA 1978, when there is a
2 separate finding of fact that the sex offender knew or should
3 have known that the person believed to be a prostitute was
4 younger than sixteen years of age;

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

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

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

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

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

21 (7) child solicitation by electronic
22 communication device, as provided in Subsection C of Section
23 30-37-3.2 NMSA 1978; and

24 (8) attempt to commit any of the sex offenses
25 set forth in Paragraphs (1) through (7) of this subsection, as

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provided in Section 30-28-1 NMSA 1978; and

M. "tier 3 sex offense" means:

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

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

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

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

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

(6) criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978 when the victim is under thirteen years of age; and

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

SECTION 3. Section 29-11A-4 NMSA 1978 (being Laws 1995, Chapter 106, Section 4, as amended) is amended to read:

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

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1 A. A sex offender residing in this state shall
2 register with the county sheriff for the county in which the
3 sex offender resides.

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

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

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

3 (8) the sex offender's names, email addresses
4 and monikers and other self-identifiers used on social
5 networking sites, to be used only for law enforcement purposes;

6 (9) the sex offender's landline and cellular
7 telephone numbers and any other telephone numbers primarily
8 used by the sex offender;

9 (10) the sex offender's professional licenses;

10 (11) the license plate or other identifier and
11 the description of any vehicle owned or primarily operated by
12 the sex offender, including aircraft and watercraft;

13 (12) the name and address of any school or
14 institution of higher education that the sex offender is
15 attending; and

16 (13) copies of the sex offender's passport and
17 immigration documents.

18 C. A sex offender who is a resident of another
19 state but who is employed in New Mexico or attending public or
20 private school or an institution of higher education in New
21 Mexico shall register in person with the county sheriff for the
22 county in which the sex offender is working or attending school
23 or an institution of higher education no later than three
24 business days after beginning work or attending public or
25 private school or an institution of higher education in New

1 Mexico.

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

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

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

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

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

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

22 (6) the sex offense for which the sex offender
23 was convicted; and

24 (7) the date and place of the sex offense
25 conviction.

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1 E. When a sex offender registers with a county
2 sheriff, the sheriff shall obtain:

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

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

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

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

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

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

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

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1 days after the change in employment, vocation or enrollment
2 status.

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

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

24 L. Following initial registration pursuant to the
25 provisions of this section:

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

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

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

21 (4) a sex offender required to register for
22 the remainder of the sex offender's natural life as the result
23 of an out-of-state conviction shall verify registration
24 information with the county sheriff as provided in Subsection N
25 of this section not less than once in each ninety-day period

1 for the remainder of the sex offender's natural life; and
2 ~~[(3)]~~ (5) an out-of-state registrant shall
3 verify registration information with the county sheriff as
4 provided in Subsection N of this section for ~~[whichever is the~~
5 ~~longer of:~~

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

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

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

21 N. At least fifteen days prior to the time a sex
22 offender is required to verify registration information, the
23 department shall send a verification form to the sex offender,
24 by first class mail, containing the sex offender's current
25 registration information and a notice of the date that the sex

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

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

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

22 P. A sex offender who willfully or knowingly fails
23 to comply with the registration or verification requirements
24 set forth in this section is guilty of a fourth degree felony
25 and shall be sentenced pursuant to the provisions of Section

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

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

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1 requirements set forth in this section shall be deemed part of
2 a continuing transaction or occurrence. A conviction pursuant
3 to this subsection shall not be considered a felony for
4 purposes of the imposition of sentencing enhancements pursuant
5 to the provisions of Section 31-18-17 NMSA 1978."

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

8 "29-11A-4.1. PROCEDURES WHEN A SEX OFFENDER MOVES FROM
9 NEW MEXICO TO ANOTHER STATE.--

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

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

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

19 B. Within five days of receiving a sex offender's
20 written notice of intent to move to another state, the county
21 sheriff shall transmit that information to the department ~~[of~~
22 ~~public safety]~~. Within five days of receiving that information
23 from a county sheriff, the department shall contact the state
24 agency responsible for registering sex offenders in the state
25 to which the sex offender is moving. The department shall

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

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

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

16 "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--
17 ADMINISTRATION BY THE DEPARTMENT [~~OF PUBLIC SAFETY~~]
18 PARTICIPATION IN THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

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

23 B. The county sheriff shall forward:

24 (1) registration information obtained from sex
25 offenders to the department [~~of public safety~~]. The initial

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

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

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

23 D. The department ~~[of public safety]~~ shall retain
24 registration information regarding a sex offender convicted
25 ~~[for any of the following sex offenses for the entirety]~~ of a

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1 tier 3 sex offense for the remainder of the sex offender's
 2 natural life.

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

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

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

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

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

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

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

25 ~~(1) criminal sexual penetration in the fourth~~

1 ~~degree, as provided in Section 30-9-11 NMSA 1978;~~

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

4 ~~(3) false imprisonment, as provided in Section~~
5 ~~30-4-3 NMSA 1978, when the victim is less than eighteen years~~
6 ~~of age and the offender is not a parent of the victim;~~

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

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

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

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

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

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

22 F. The department shall retain registration
23 information regarding a sex offender convicted of a tier 1 sex
24 offense for a period of fifteen years following the latest of
25 the sex offender's conviction, release from prison or release

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1 from probation or parole.

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

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

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

17 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING
18 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY
19 NOTIFICATION--~~[INTERNET WEB SITE]~~ WEBSITE.--

20 A. If a sex offender is convicted of [~~one of the~~
21 ~~following sex offenses~~] a tier 1 sex offense, tier 2 sex
22 offense or tier 3 sex offense, either in state or out of state,
23 the county sheriff shall forward registration information
24 obtained from the sex offender to the district attorney for the
25 judicial district in which the sex offender resides and, if the

1 sex offender is a resident of a municipality, the chief law
 2 enforcement officer for the municipality in which the sex
 3 offender resides.

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

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

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

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

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

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

20 (1) sheriff for the county in which the sex
 21 offenders reside;

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

24 (3) district attorney for the judicial
 25 district in which the sex offenders reside; or

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1 (4) secretary of public safety.

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

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

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

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

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

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

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

19 (4) the sex offenses for which the sex
20 offender has been convicted;

21 (5) a photograph of the sex offender;

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

23 (7) a physical description, including a
24 description of any tattoos, scars or other distinguishing
25 features on the sex offender's body that would assist in

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1 identifying the sex offender; and

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

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

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

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

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

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

24 (3) notify the county sheriff of the county
25 [~~he~~] the sex offender resides in if the sex offender intends to

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1 move to another state and that the sex offender is required to
2 register in the other state pursuant to the provisions of the
3 Sex Offender Registration and Notification Act;

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

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

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

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

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

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

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

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

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

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

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

24 (5) provide written notice of any change
25 regarding ~~[his]~~ the sex offender's employment, vocation or

1 enrollment status at an institution of higher education to the
2 county sheriff, the law enforcement entity and the registrar
3 pursuant to the provisions of the Sex Offender Registration and
4 Notification Act;

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

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

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

25 (9) read and sign a form that indicates that

1 the sex offender has received the written notice and that a
2 responsible corrections department official, designated by the
3 secretary of corrections, or a responsible municipal or county
4 jail official or detention center official has explained the
5 written notice to the sex offender.

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

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

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