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HOUSE BILL 4

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2003

INTRODUCED BY

Thomas E. Swisstack

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE

AN ACT

RELATING TO SEXUAL OFFENSES; CREATING A SEX OFFENDER MANAGEMENT BOARD WITHIN THE NEW MEXICO SENTENCING COMMISSION; PROVIDING DUTIES; ENACTING A SECTION OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. A new section of Chapter 9, Article 3 NMSA 1978 is enacted to read:

"NEW MATERIAL SEX OFFENDER MANAGEMENT BOARD-- CREATION-- MEMBERSHIP-- DUTIES. --

A. There is created within the New Mexico sentencing commission the "sex offender management board".

B. The sex offender management board shall be composed of the following members or their designees:

- (1) the attorney general;

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- 1 (2) a district attorney appointed by the  
2 district attorneys association of New Mexico;  
3 (3) the chief public defender;  
4 (4) a district court judge appointed by the  
5 district court judge's association of New Mexico;  
6 (5) the secretary of corrections;  
7 (6) the secretary of health;  
8 (7) the secretary of children, youth and  
9 families;  
10 (8) one public member appointed by the  
11 governor who is a representative of a New Mexico victims  
12 organization;  
13 (9) two representatives appointed by the  
14 governor who are mental health professionals licensed to  
15 practice in New Mexico. At least one of the mental health  
16 professionals shall be a member of the association for the  
17 treatment of sexual abusers;  
18 (10) a representative appointed by the  
19 governor from the adult probation and parole division of the  
20 corrections department who has expertise in the supervision of  
21 sex offenders;  
22 (11) a representative appointed by the  
23 governor from the law enforcement community who has expertise  
24 regarding sex offender community notification, registration,  
25 tracking and monitoring;

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1 (12) a representative appointed by the  
2 governor who is affiliated with a civil liberties organization;  
3 and

4 (13) a representative appointed by the  
5 governor who is affiliated with a faith-based organization.

6 C. The sex offender management board shall:

7 (1) hold meetings at times and for periods as  
8 the board deems necessary to accomplish its objectives, but  
9 shall meet at least eight times a year;

10 (2) develop and prescribe a standard procedure  
11 for the identification and evaluation of convicted sex  
12 offenders. The procedure shall include behavior management,  
13 monitoring, treatment and program compliance for sex offenders.  
14 The board shall develop and implement measures of success;

15 (3) develop and implement guidelines and  
16 standards for the treatment of sex offenders that can be  
17 utilized by offenders who are placed on probation, incarcerated  
18 with the corrections department, placed on parole or placed in  
19 a community corrections program. The guidelines and standards  
20 shall include a monitoring process and a plan for developing  
21 treatment programs for sex offenders;

22 (4) create a risk assessment-screening tool  
23 and program to assist sentencing of sex offenders, including  
24 determining the duration, terms and conditions of probation and  
25 parole for sex offenders;

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1 (5) develop guidelines and standards for  
2 monitoring sex offenders who are undergoing evaluation or  
3 treatment, including behavioral monitoring;

4 (6) develop criteria for measuring a sex  
5 offender's progress in treatment programs. The parole board  
6 shall use the criteria to determine whether a sex offender may  
7 appropriately be released from incarceration or discharged from  
8 probation or parole;

9 (7) develop a standardized procedure for the  
10 identification and evaluation of juvenile sex offenders. The  
11 procedure shall include behavior management, monitoring,  
12 treatment and program compliance for juvenile sex offenders.  
13 The board shall develop and implement measures of success;

14 (8) develop and implement guidelines and  
15 standards for the treatment of juvenile sex offenders who are  
16 placed on probation, committed to a state agency, placed on  
17 parole or placed in a community corrections program;

18 (9) research and analyze safety issues raised  
19 when sex offenders live in a community;

20 (10) study and consider the viability and  
21 legality of a civil commitment program for sex offenders;

22 (11) research and determine the feasibility  
23 and legality of implementing indeterminate sentencing for sex  
24 offenders;

25 (12) study the use of clinical polygraph

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1 testing as a means to evaluate sex offenders;

2 (13) evaluate sex offender treatment programs  
3 administered by state agencies and recommend changes, if  
4 needed, in those treatment programs; and

5 (14) review the provisions of the Sex Offender  
6 Notification and Registration Act and recommend changes, if  
7 needed, to that act.

8 D. The sex offender management board shall report  
9 its findings and recommendations to the New Mexico sentencing  
10 commission on a quarterly basis. The New Mexico sentencing  
11 commission shall vote to approve, disapprove or revise the  
12 recommendations of the board.

13 E. The members of the sex offender management board  
14 shall be paid pursuant to the Per Diem and Mileage Act and  
15 shall receive no other perquisite, compensation or allowance. "

16 Section 2. APPROPRIATION. -- Two hundred fifty thousand  
17 dollars (\$250,000) is appropriated from the general fund to the  
18 New Mexico sentencing commission for expenditure in fiscal  
19 years 2004 and 2005 to fund the operations of the sex offender  
20 management board. Any unexpended or unencumbered balance  
21 remaining at the end of fiscal year 2005 shall revert to the  
22 general fund.