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HOUSE BILL 1299

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Daniel R. Foley

AN ACT

RELATING TO SEX OFFENDERS; CLARIFYING DEFINITIONS IN THE SEX
OFFENDER REGISTRATION AND NOTIFICATION ACT.

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

Section 1. Section 29-11A-3 NMSA 1978 (being Laws 1995,
Chapter 106, Section 3, as amended) is amended to read:

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

A. "conviction" means a conviction in any court of
competent jurisdiction and includes a deferred sentence, but
does not include a conditional discharge;

B. "institution of higher education" means a:

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

(2) trade school; or

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(3) professional school;

C. "registration requirement" means any requirement set forth in Section 29-11A-4 NMSA 1978 that requires a sex offender to register, provide information, including a DNA sample, renew, revise or change ~~[his]~~ registration information or provide written notice or disclosure regarding ~~[his]~~ the sex offender's status as a sex offender;

D. "sex offender" means a person who:

(1) is a resident of New Mexico who is convicted of a sex offense ~~[in New Mexico]~~ pursuant to state, federal, tribal or military law;

(2) changes ~~[his]~~ residence to New Mexico, when that person has been convicted of a sex offense ~~[in another state]~~ pursuant to state, federal, tribal or military law;

~~[(3) is a resident of New Mexico who is convicted of a sex offense pursuant to federal, tribal or military law;~~

~~(4)]~~ (3) does not have an established residence in New Mexico, but lives in a shelter, halfway house or transitional living facility or stays in multiple locations in New Mexico and who has been convicted of a sex offense in New Mexico or any other state pursuant to state, federal, tribal or military law; or

~~[(5)]~~ (4) is a resident of another state and

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1 who has been convicted of a sex offense pursuant to state,
2 federal, tribal or military law, but who is:

3 (a) employed full time or part time in
4 New Mexico for a period of time exceeding fourteen days or for
5 an aggregate period of time exceeding thirty days during any
6 calendar year, including any employment or vocation, whether
7 financially compensated, volunteered or for the purpose of
8 government or educational benefit; or

9 (b) enrolled on a full-time or part-time
10 basis in a private or public school or an institution of higher
11 education in New Mexico; and

12 E. "sex offense" means any of the following
13 offenses or their equivalents in any other jurisdiction:

14 (1) criminal sexual penetration in the first,
15 second, third or fourth degree, as provided in Section 30-9-11
16 NMSA 1978;

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

19 (3) criminal sexual contact of a minor in the
20 second, third or fourth degree, as provided in Section
21 30-9-13 NMSA 1978;

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

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

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- 1 (6) kidnapping, as provided in Section
- 2 30-4-1 NMSA 1978, when the victim is less than eighteen years
- 3 of age and the offender is not a parent of the victim;
- 4 (7) 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 (8) aggravated indecent exposure, as provided
- 8 in Section 30-9-14.3 NMSA 1978;
- 9 (9) enticement of child, as provided in
- 10 Section 30-9-1 NMSA 1978;
- 11 (10) incest, as provided in Section 30-10-3
- 12 NMSA 1978, when the victim is less than eighteen years of age;
- 13 (11) 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; or
- 16 (12) attempt to commit any of the sex offenses
- 17 set forth in Paragraphs (1) through (10) of this subsection, as
- 18 provided in Section 30-28-1 NMSA 1978."