

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS 433 & 24

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

AN ACT

RELATING TO SEX OFFENDERS; REQUIRING A SEX OFFENDER TO REGISTER ANY ELECTRONIC IDENTITIES USED BY THE SEX OFFENDER; REQUIRING A SEX OFFENDER TO NOTIFY THE COUNTY SHERIFF OF ANY SUBSEQUENT ELECTRONIC IDENTITIES THAT A SEX OFFENDER INTENDS TO USE PRIOR TO USING THEM TO COMMUNICATE WITH OTHERS; PROVIDING THAT REGISTRATION INFORMATION NOT PROVIDED TO THE PUBLIC SHALL BE USED ONLY FOR LAW ENFORCEMENT PURPOSES; CLARIFYING PROVISIONS OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

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 by Laws 2007, Chapter 68, Section 1 and by Laws 2007, Chapter 69, Section 5) is amended

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1 to read:

2 "29-11A-3. DEFINITIONS.--As used in the Sex Offender  
3 Registration and Notification Act:

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

7 B. "electronic identity" means a name, address,  
8 moniker or other self-identifier used in internet  
9 communications or postings or on other communication devices  
10 but does not include any passwords;

11 [~~B.~~] C. "institution of higher education" means a:

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

14 (2) trade school; or

15 (3) professional school;

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

22 [~~D.~~] E. "sex offender" means a person who:

23 (1) is a resident of New Mexico who is  
24 convicted of a sex offense pursuant to state, federal, tribal  
25 or military law;

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

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

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

12 (a) employed full time or part time in  
13 New Mexico for a period of time exceeding fourteen days or for  
14 an aggregate period of time exceeding thirty days during any  
15 calendar year, including any employment or vocation, whether  
16 financially compensated, volunteered or for the purpose of  
17 government or educational benefit; or

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

21 [~~E.~~] F. "sex offense" means any of the following  
22 offenses or their equivalents in any other jurisdiction:

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

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

3 (3) criminal sexual contact of a minor in the  
4 second, third or fourth degree, as provided in Section  
5 30-9-13 NMSA 1978;

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

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

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

13 (7) false imprisonment, as provided in Section  
14 30-4-3 NMSA 1978, when the victim is less than eighteen years  
15 of age and the offender is not a parent of the victim;

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

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

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

22 (11) child solicitation by electronic  
23 communication device, as provided in Section 30-37-3.2 NMSA  
24 1978;

25 (12) solicitation to commit criminal sexual

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1 contact of a minor in the second, third or fourth degree, as  
2 provided in Sections 30-9-13 and 30-28-3 NMSA 1978; or

3 (13) attempt to commit any of the sex offenses  
4 set forth in Paragraphs (1) through (10) of this subsection, as  
5 provided in Section 30-28-1 NMSA 1978."

6 Section 2. Section 29-11A-4 NMSA 1978 (being Laws 1995,  
7 Chapter 106, Section 4, as amended) is amended to read:

8 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION  
9 REQUIRED--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

10 A. A sex offender residing in this state shall  
11 register with the county sheriff for the county in which the  
12 sex offender resides.

13 B. A sex offender who is a resident of New Mexico  
14 shall register with the county sheriff no later than ten days  
15 after being released from the custody of the corrections  
16 department, a municipal or county jail or a federal, military  
17 or tribal correctional facility or detention center or being  
18 placed on probation or parole. A sex offender who changes  
19 [his] residence to New Mexico shall register with the county  
20 sheriff no later than ten days after [his] arrival in this  
21 state. When a sex offender registers with the county sheriff,  
22 [he] the sex offender shall provide the following registration  
23 information:

24 (1) [his] the sex offender's legal name and  
25 any other names or aliases that [he] the sex offender is using

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1 or has used;

2 (2) [~~his~~] the sex offender's date of birth;

3 (3) [~~his~~] the sex offender's social security  
4 number;

5 (4) [~~his~~] the sex offender's current address;

6 (5) [~~his~~] the sex offender's place of  
7 employment;

8 (6) every electronic identity established or  
9 used by the sex offender;

10 [~~(6)~~] (7) the sex offense for which [~~he~~] the  
11 sex offender was convicted; and

12 [~~(7)~~] (8) the date and place of [~~his~~] the sex  
13 offense conviction.

14 C. A sex offender who is a resident of another  
15 state but who is employed in New Mexico or attending public or  
16 private school or an institution of higher education in New  
17 Mexico shall register with the county sheriff for the county in  
18 which the sex offender is working or attending school or an  
19 institution of higher education. [~~D. A sex offender who is a~~  
20 ~~resident of another state but who is employed in New Mexico or~~  
21 ~~attending public or private school or an institution of higher~~  
22 ~~education in New Mexico]~~ The sex offender shall register [~~with~~  
23 ~~the county sheriff~~] no later than ten days after beginning work  
24 or school. When the sex offender registers with the county  
25 sheriff, [~~he~~] the sex offender shall provide the following

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1 registration information:

2 (1) [~~his~~] the sex offender's legal name and  
3 any other names or aliases that [~~he~~] the sex offender is using  
4 or has used;

5 (2) [~~his~~] the sex offender's date of birth;

6 (3) [~~his~~] the sex offender's social security  
7 number;

8 (4) [~~his~~] the sex offender's current address  
9 in [~~his~~] the sex offender's state of residence and, if  
10 applicable, the address of [~~his~~] the sex offender's place of  
11 lodging in New Mexico while [~~he is~~] working or attending school  
12 or an institution of higher education;

13 (5) [~~his~~] the sex offender's place of  
14 employment or the name of the school [~~he~~] the sex offender is  
15 attending;

16 (6) every electronic identity established or  
17 used by the sex offender;

18 [~~(6)~~] (7) the sex offense for which [~~he~~] the  
19 sex offender was convicted; and

20 [~~(7)~~] (8) the date and place of [~~his~~] the sex  
21 offense conviction.

22 [~~E.~~] D. When a sex offender registers with a county  
23 sheriff, the sheriff shall obtain:

24 (1) a photograph of the sex offender and a  
25 complete set of the sex offender's fingerprints;

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

4 (3) a DNA sample [~~of his DNA~~] for inclusion in  
5 the sex offender DNA identification system pursuant to the  
6 provisions of the DNA Identification Act.

7 E. When a sex offender who is registered intends to  
8 use an electronic identity that was not provided to the county  
9 sheriff, the sex offender shall send written notice of the  
10 electronic identity to the county sheriff prior to using that  
11 identity to communicate with others over the internet.

12 F. When a sex offender who is registered changes  
13 [~~his~~] residence within the same county, the sex offender shall  
14 send written notice of [~~his~~] the change of address to the  
15 county sheriff no later than ten days after establishing [~~his~~]  
16 the new residence.

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

25 H. When a sex offender who is registered or

1 required to register does not have an established residence,  
2 but lives in a shelter, halfway house or transitional living  
3 facility or stays in multiple locations in New Mexico, the sex  
4 offender shall register with the county sheriff for each county  
5 in which the sex offender is living or temporarily located.  
6 The sex offender shall register no later than ten days after a  
7 change in [~~his~~] living arrangements or temporary location.

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

24 J. When a sex offender who is registered or  
25 required to register is employed or is enrolled as a student at

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1 a public or private school in New Mexico, the sex offender  
2 shall disclose ~~[his]~~ the sex offender's status as a sex  
3 offender in writing to the county sheriff for the county in  
4 which the school is located and to the principal of the school  
5 no later than ten days after beginning employment or enrolling  
6 at the school. The sex offender shall also send written notice  
7 of any change regarding ~~[his]~~ employment or enrollment status  
8 at a school to the county sheriff and the principal no later  
9 than ten days after the change in ~~[his]~~ employment or  
10 enrollment status.

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

20 L. Following ~~[his]~~ initial registration pursuant to  
21 the provisions of this section:

22 (1) a sex offender ~~[required to register~~  
23 ~~pursuant to the provisions of]~~ convicted of any of the sex  
24 offenses enumerated in Subsection D of Section 29-11A-5 NMSA  
25 1978 or their equivalents shall renew ~~[his]~~ registration with

1 the county sheriff not less than once in each ninety-day period  
 2 following the date of the sex offender's initial registration  
 3 for the entirety of [~~his~~] the sex offender's natural life; and

4 (2) a sex offender [~~required to register~~  
 5 ~~pursuant to the provisions of~~] convicted of any of the sex  
 6 offenses enumerated in Subsection E of Section 29-11A-5 NMSA  
 7 1978 or their equivalents shall annually renew [~~his~~] the sex  
 8 offender's registration with the county sheriff prior to  
 9 December 31 of each subsequent calendar year for a period of  
 10 ten years.

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

19 N. A sex offender who willfully or knowingly fails  
 20 to comply with the registration requirements set forth in this  
 21 section is guilty of a fourth degree felony and shall be  
 22 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
 23 1978. A sex offender who willfully or knowingly fails to  
 24 comply with the registration requirements set forth in this  
 25 section after a first or subsequent conviction for a violation

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

10 0. A sex offender who willfully or knowingly  
11 provides false information when complying with the registration  
12 requirements set forth in this section is guilty of a fourth  
13 degree felony and shall be sentenced pursuant to the provisions  
14 of Section 31-18-15 NMSA 1978. A sex offender who willfully or  
15 knowingly provides false information when complying with the  
16 registration requirements set forth in this section after a  
17 first or subsequent conviction for a violation pursuant to this  
18 section is guilty of a third degree felony and shall be  
19 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
20 1978. The willful providing by a sex offender of false  
21 information with respect to the registration requirements set  
22 forth in this section shall be deemed part of a continuing  
23 transaction or occurrence. A conviction pursuant to this  
24 subsection shall not be considered a felony for purposes of the  
25 imposition of sentencing enhancements pursuant to the

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1 provisions of Section 31-18-17 NMSA 1978."

2 Section 3. Section 29-11A-5.1 NMSA 1978 (being Laws 1999,  
3 Chapter 19, Section 8, as amended) is amended to read:

4 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
5 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY  
6 NOTIFICATION--INTERNET WEB SITE.--

7 A. If a sex offender is convicted of one of the  
8 following sex offenses, the county sheriff shall forward  
9 registration information obtained from the sex offender to the  
10 district attorney for the judicial district in which the sex  
11 offender resides and, if the sex offender is a resident of a  
12 municipality, the chief law enforcement officer for the  
13 municipality in which the sex offender resides:

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

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

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

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

24 (5) attempt to commit any of the sex offenses  
25 set forth in Paragraphs (1) through (4) of this subsection, as

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1 provided in Section 30-28-1 NMSA 1978.

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

5 (1) sheriff for the county in which the sex  
6 offenders reside;

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

9 (3) district attorney for the judicial  
10 district in which the sex offenders reside; or

11 (4) secretary of public safety.

12 C. Upon receiving a request for registration  
13 information regarding sex offenders described in Subsection A  
14 of this section, the county sheriff, chief municipal law  
15 enforcement officer, district attorney or secretary of public  
16 safety shall provide that registration information, with the  
17 exception of a sex offender's social security number,  
18 electronic identities and DNA information, within a reasonable  
19 period of time, and no later than seven days after receiving  
20 the request.

21 D. Within seven days of receiving registration  
22 information from a sex offender described in Subsection A of  
23 this section, the county sheriff shall contact every licensed  
24 daycare center, elementary school, middle school and high  
25 school within a one-mile radius of the sex offender's residence

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1 and provide them with the sex offender's registration  
2 information, with the exception of the sex offender's social  
3 security number, electronic identities and DNA information.

4 E. The department of public safety shall establish  
5 and manage an internet web site that provides the public with  
6 registration information regarding sex offenders described in  
7 Subsection A of this section, except that the department of  
8 public safety shall not provide registration information on the  
9 internet web site regarding a sex offender who was less than  
10 eighteen years of age when the sex offender committed the sex  
11 offense for which the sex offender was convicted as a youthful  
12 offender, as provided in Section 32A-2-3 NMSA 1978, unless at  
13 the time of sentencing, the court made a finding that the sex  
14 offender is not amenable to treatment and is a danger to the  
15 community. The registration information provided to the public  
16 pursuant to this subsection shall not include a sex offender's  
17 social security number, electronic identities or DNA  
18 information or a sex offender's place of employment, unless the  
19 sex offender's employment requires the sex offender to have  
20 direct contact with children. Registration information not  
21 provided to the public shall be used only for law enforcement  
22 purposes."

23 Section 4. Section 29-11A-7 NMSA 1978 (being Laws 1995,  
24 Chapter 106, Section 7, as amended) is amended to read:

25 "29-11A-7. NOTICE TO SEX OFFENDERS OF DUTY TO

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1 REGISTER.--

2 A. A court shall provide a sex offender convicted  
3 in that court with written notice of [~~his~~] the sex offender's  
4 duty to register pursuant to the provisions of the Sex Offender  
5 Registration and Notification Act. The written notice shall be  
6 included in judgment and sentence forms provided to the sex  
7 offender. The written notice shall inform the sex offender  
8 that [~~he~~] the sex offender is required to:

9 (1) register with the county sheriff for the  
10 county in which the sex offender will reside or, if the sex  
11 offender will not have an established residence, with the  
12 county sheriff for each county in which the sex offender will  
13 live or be temporarily located pursuant to the provisions of  
14 the Sex Offender Registration and Notification Act;

15 (2) report subsequent changes of address  
16 pursuant to the provisions of the Sex Offender Registration and  
17 Notification Act;

18 (3) notify the county sheriff of an electronic  
19 identity that is not registered and that the sex offender  
20 intends to use, prior to using that identity to communicate  
21 with others over the internet, pursuant to the provisions of  
22 the Sex Offender Registration and Notification Act;

23 [~~(3)~~] (4) notify the county sheriff of the  
24 county [~~he~~] the sex offender resides in if the sex offender  
25 intends to move to another state and that the sex offender is

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1 required to register in the other state pursuant to the  
2 provisions of the Sex Offender Registration and Notification  
3 Act;

4           ~~[(4)]~~ (5) disclose ~~[his]~~ the sex offender's  
5 status as a sex offender in writing when ~~[he]~~ the sex offender  
6 begins employment, begins a vocation or enrolls as a student at  
7 an 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)]~~ (6) 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)]~~ (7) disclose ~~[his]~~ the sex offender's  
20 status as a sex offender in writing, when ~~[he]~~ the sex offender  
21 begins employment or enrolls as a student at a private or  
22 public school in New Mexico, to the county sheriff for the  
23 county in which the school is located and to the principal of  
24 the school pursuant to the provisions of the Sex Offender  
25 Registration and Notification Act;

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1                    [~~(7)~~] (8) provide written notice of any change  
2 regarding [~~his~~] the sex offender's employment or enrollment  
3 status at a public or private school in New Mexico to the  
4 county sheriff and the principal of the school pursuant to the  
5 provisions of the Sex Offender Registration and Notification  
6 Act;

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

15                    [~~(9)~~] (10) read and sign a form that indicates  
16 that the sex offender has received the written notice and that  
17 a responsible court official, designated by the chief judge for  
18 that judicial district, has explained the written notice to the  
19 sex offender.

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

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1 offender that [~~he~~] the sex offender is required to:

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

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

11 (3) notify the county sheriff of any  
12 electronic identity that is not registered and that the sex  
13 offender intends to use, prior to using that identity to  
14 communicate with others over the internet, pursuant to the  
15 provisions of the Sex Offender Registration and Notification  
16 Act;

17 [~~(3)~~] (4) notify the county sheriff of the  
18 county [~~he~~] the sex offender resides in if the sex offender  
19 intends to move to another state and that the sex offender is  
20 required to register in the other state pursuant to the  
21 provisions of the Sex Offender Registration and Notification  
22 Act;

23 [~~(4)~~] (5) disclose [~~his~~] the sex offender's  
24 status as a sex offender in writing when [~~he~~] the sex offender  
25 begins employment, begins a vocation or enrolls as a student at

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1 an institution of higher education in New Mexico to the county  
2 sheriff for the county in which the institution of higher  
3 education is located and to the law enforcement entity and  
4 registrar for the institution of higher education pursuant to  
5 the provisions of the Sex Offender Registration and  
6 Notification Act;

7 ~~[(5)]~~ (6) provide written notice of any change  
8 regarding ~~[his]~~ the sex offender's employment, vocation or  
9 enrollment status at an institution of higher education to the  
10 county sheriff, the law enforcement entity and the registrar  
11 pursuant to the provisions of the Sex Offender Registration and  
12 Notification Act;

13 ~~[(6)]~~ (7) disclose ~~[his]~~ the sex offender's  
14 status as a sex offender in writing, when ~~[he]~~ the sex offender  
15 begins employment or enrolls as a student at a private or  
16 public school in New Mexico, to the county sheriff for the  
17 county in which the school is located and to the principal of  
18 the school pursuant to the provisions of the Sex Offender  
19 Registration and Notification Act;

20 ~~[(7)]~~ (8) provide written notice of any change  
21 regarding ~~[his]~~ the sex offender's employment or enrollment  
22 status at a public or private school in New Mexico to the  
23 county sheriff and the principal of the school pursuant to the  
24 provisions of the Sex Offender Registration and Notification  
25 Act;

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1                    [~~(8)~~] (9) disclose [~~his~~] the sex offender's  
2 status as a sex offender in writing to [~~his~~] the sex offender's  
3 employer, supervisor or other person similarly situated when  
4 [~~he~~] the sex offender begins employment, begins a vocation or  
5 volunteers [~~his~~] the sex offender's services, regardless of  
6 whether the sex offender receives payment or other  
7 compensation, pursuant to the provisions of the Sex Offender  
8 Registration and Notification Act; and

9                    [~~(9)~~] (10) read and sign a form that indicates  
10 that the sex offender has received the written notice and that  
11 a responsible corrections department official, designated by  
12 the secretary of corrections, or a responsible municipal or  
13 county jail official or detention center official has explained  
14 the written notice to the sex offender.

15                    C. A court, the corrections department, a municipal  
16 or county jail or a detention center shall also provide written  
17 notification regarding a sex offender's release to the sheriff  
18 of the county in which the sex offender is released and to the  
19 department of public safety.

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

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