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HOUSE BILL 298

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; PROVIDING FOR  
VERIFICATION OF REGISTRATION; REQUIRING NOTICE TO REGISTERED  
OFFENDERS TO VERIFY REGISTRATION; PROVIDING FOR ANNUAL  
VERIFICATION OF REGISTRATION AFTER TEN YEARS OF CONTINUOUS  
COMPLIANCE WITH NINETY-DAY VERIFICATIONS; REQUIRING THAT THE  
CRIMES OF KIDNAPPING AND FALSE IMPRISONMENT BE COMMITTED WITH  
SEXUAL INTENT BEFORE THEY ARE DEEMED A SEX OFFENSE; MODIFYING  
REGISTRATION REQUIREMENTS; CLARIFYING THE INFORMATION AVAILABLE  
ON THE SEX OFFENDER INTERNET WEB SITE; REITERATING STATE  
PREEMPTION OF THE FIELD OF SEX OFFENDER REGISTRATION BY  
PROHIBITING LAW ENFORCEMENT FROM REQUIRING ADDITIONAL  
REGISTRATION THAN IS REQUIRED BY STATE LAW; RECONCILING  
MULTIPLE AMENDMENTS TO THE SAME SECTIONS OF LAW IN LAWS 2007.

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

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1           SECTION 1. Section 29-11A-3 NMSA 1978 (being Laws 1995,  
2 Chapter 106, Section 3, as amended by Laws 2007, Chapter 68,  
3 Section 1 and by Laws 2007, Chapter 69, Section 5) is amended  
4 to read:

5           "29-11A-3. DEFINITIONS.--As used in the Sex Offender  
6 Registration and Notification Act:

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

10          B. "institution of higher education" means a:

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

13                 (2) trade school; or

14                 (3) professional school;

15          C. "habitually lives" means any place where a sex  
16 offender lives for ten continuous days or for an aggregate  
17 period of time exceeding thirty days in any calendar year;

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

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

25                 (1) is a resident of New Mexico who is

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1 convicted of a sex offense pursuant to state, federal, tribal  
2 or military law;

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

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

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

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

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

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

25 (1) aggravated criminal sexual penetration or

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1 criminal sexual penetration in the first, second, third or  
2 fourth degree, as provided in Section 30-9-11 NMSA 1978;

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

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

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

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

12 (6) kidnapping, as provided in Section  
13 30-4-1 NMSA 1978, [~~when the victim is less than eighteen years~~  
14 ~~of age and the offender is not a parent of the victim~~] with  
15 intent to inflict a sexual offense;

16 (7) false imprisonment, as provided in Section  
17 30-4-3 NMSA 1978, [~~when the victim is less than eighteen years~~  
18 ~~of age and the offender is not a parent of the victim~~] with  
19 intent to inflict a sexual offense;

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

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

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

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1 (11) child solicitation by electronic  
2 communication device, as provided in Subsection C of Section  
3 30-37-3.2 NMSA 1978;

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

7 (13) attempt to commit any of the sex offenses  
8 set forth in Paragraphs (1) through [~~(11)~~] (10) of this  
9 subsection, as provided in Section 30-28-1 NMSA 1978."

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

12 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION  
13 REQUIRED--VERIFICATION--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

14 A. A sex offender residing in this state shall  
15 register with the county sheriff for the county in which the  
16 sex offender resides.

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

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1 sheriff, [~~he~~] the sex offender shall provide the following  
2 registration information:

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

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

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

9 (4) [~~his~~] the sex offender's current address  
10 and the address of every place where the sex offender  
11 habitually lives;

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

14 (6) the sex offense for which [~~he~~] the sex  
15 offender was convicted; and

16 (7) the date and place of [~~his~~] the sex  
17 offense conviction.

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

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1 ~~education in New Mexico]~~ The sex offender shall register [~~with~~  
2 ~~the county sheriff]~~ no later than ten days after beginning work  
3 or school. When the sex offender registers with the county  
4 sheriff, [~~he~~] the sex offender shall provide the following  
5 registration information:

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

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

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

12 (4) [~~his~~] the sex offender's current address  
13 and the address of every place where the sex offender  
14 habitually lives in [~~his~~] the sex offender's state of residence  
15 and, if applicable, the address of [~~his~~] the sex offender's  
16 place of lodging in New Mexico while [~~he is~~] working or  
17 attending school or an institution of higher education;

18 (5) [~~his~~] the sex offender's place of  
19 employment or the name of the school [~~he~~] the sex offender is  
20 attending;

21 (6) the sex offense for which [~~he~~] the sex  
22 offender was convicted; and

23 (7) the date and place of [~~his~~] the sex  
24 offense conviction.

25 [~~E.~~] D. When a sex offender registers with a county

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1 sheriff, the sheriff shall obtain:

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

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

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

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

17 [~~G.~~] F. When a sex offender who is registered  
18 changes [~~his~~] residence to a new county in New Mexico, the sex  
19 offender shall:

20 (1) register with the county sheriff of the  
21 new county no later than ten days after establishing [~~his~~] the  
22 new residence [~~The sex offender shall also~~]; and

23 (2) send written notice of the change in  
24 residence to the county sheriff with whom [~~he~~] the sex offender  
25 last registered no later than ten days after establishing [~~his~~]

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1 the new residence.

2           G. When a sex offender who is registered is  
3 incarcerated for more than ten consecutive days, the sex  
4 offender shall report to the county sheriff no later than five  
5 days after being released.

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

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

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1 also send written notice of any change regarding [his]  
2 employment, vocation or enrollment status at an institution of  
3 higher education to the county sheriff, the law enforcement  
4 entity and the registrar no later than ten days after the  
5 change in [his] employment, vocation or enrollment status.

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

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

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1 employment, vocation or volunteer service.

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

4 (1) a sex offender [~~required to register~~  
5 ~~pursuant to the provisions of~~] convicted of any of the sex  
6 offenses enumerated in Subsection D of Section 29-11A-5 NMSA  
7 1978 or their equivalents shall [~~renew his~~] verify registration  
8 information with the county sheriff as provided in Subsection N  
9 of this section not less than once in each ninety-day period  
10 following the date of the sex offender's initial registration  
11 for a period of ten years. After ten years of continuous and  
12 compliant registration pursuant to this section, if the sex  
13 offender has not been convicted of a subsequent felony offense,  
14 the sex offender shall verify registration information annually  
15 for the [~~entirety~~] remainder of [~~his~~] the sex offender's  
16 natural life; and

17 (2) a sex offender [~~required to register~~  
18 ~~pursuant to the provisions of~~] convicted of any of the sex  
19 offenses enumerated in Subsection E of Section 29-11A-5 NMSA  
20 1978 or their equivalents shall annually [~~renew his~~] verify  
21 registration information with the county sheriff as provided in  
22 Subsection N of this section prior to December 31 of each  
23 subsequent calendar year for a period of ten years.

24 M. Notwithstanding the provisions of Paragraph (2)  
25 of Subsection L of this section, if a sex offender is convicted

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1 a second or subsequent time for a sex offense set forth in  
2 Subsection E of Section 29-11A-5 NMSA 1978, [~~he~~] the sex  
3 offender shall [~~renew his~~] verify registration information with  
4 the county sheriff as provided in Subsection N of this section  
5 not less than once in each ninety-day period following the date  
6 of the sex offender's initial registration for the [~~entirety~~]  
7 remainder of [~~his~~] the sex offender's natural life.

8 N. At least fifteen days prior to the time a sex  
9 offender is required to verify the sex offender's registration  
10 with a county sheriff, the department of public safety shall  
11 send a verification form, by first class mail, to the sex  
12 offender containing the sex offender's current registration  
13 information and a notice that the sex offender is required to  
14 appear at the county sheriff's office to verify the information  
15 in the form, to change the information as necessary and to sign  
16 a statement under oath that the information is true and  
17 correct. The sex offender shall return the verification form  
18 in person to the county sheriff within ten days of receipt and  
19 sign the statement under oath. The sheriff may photograph the  
20 sex offender at that time if the sex offender's appearance is  
21 significantly different from the photograph already contained  
22 in the sex offender's file. If a sex offender does not receive  
23 a verification form before the time that the sex offender is  
24 required to verify registration pursuant to Subsection L of  
25 this section, the sex offender shall appear at the county

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1 sheriff's office to verify registration information as required  
2 by this section.

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

19 [O.] P. A sex offender who willfully or knowingly  
20 provides false information when complying with the registration  
21 or verification requirements set forth in this section is  
22 guilty of a fourth degree felony and shall be sentenced  
23 pursuant to the provisions of Section 31-18-15 NMSA 1978. A  
24 sex offender who willfully or knowingly provides false  
25 information when complying with the registration or

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

12 **SECTION 3.** 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 DEPARTMENT OF PUBLIC SAFETY--PARTICIPATION IN  
18 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

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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 offender  
6 from a governmental entity other than a county sheriff, the  
7 department shall send that information to the sheriff for the  
8 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 a  
14 central registry of sex offenders required to register pursuant  
15 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 for  
25 any of the following sex offenses for the entirety of the sex

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1 offender's natural life:

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

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

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

10 (4) kidnapping, as provided in Section  
11 30-4-1 NMSA 1978, [~~when the victim is less than eighteen years~~  
12 ~~of age and the offender is not a parent of the victim~~] with  
13 intent to inflict a sexual offense; or

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

16 ~~(6)] (5) attempt to commit any of the sex~~

17 offenses set forth in Paragraphs (1) through [~~(5)] (4) of this~~

18 subsection, as 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 for

21 the following offenses for a period of ten years following the

22 sex offender's conviction, release from prison or release from

23 probation or parole, whichever occurs later:

24 (1) criminal sexual penetration in the fourth

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

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

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

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

9 [~~(4)~~] (5) aggravated indecent exposure, as  
10 provided in Section 30-9-14.3 NMSA 1978;

11 [~~(5)~~] (6) enticement of child, as provided in  
12 Section 30-9-1 NMSA 1978;

13 [~~(6)~~] (7) incest, as provided in Section  
14 30-10-3 NMSA 1978, when the victim is less than eighteen years  
15 of age;

16 [~~(7)~~] (8) solicitation to commit criminal  
17 sexual contact of a minor in the second, third or fourth  
18 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;

19 [~~(8)~~] (9) child solicitation by electronic  
20 communication device, as provided in Subsection C of Section  
21 30-37-3.2 NMSA 1978; or

22 [~~(9)~~] (10) attempt to commit any of the sex  
23 offenses set forth in Paragraphs (1) through [~~(6)~~] (7) of this  
24 subsection, as provided in Section 30-28-1 NMSA 1978.

25 F. Notwithstanding the provisions of Subsection E

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1 of this section, if a sex offender is convicted a second or  
2 subsequent time for a sex offense set forth in that subsection,  
3 the department of public safety shall retain information  
4 regarding the sex offender for the entirety of the sex  
5 offender's natural life.

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

13 SECTION 4. Section 29-11A-5.1 NMSA 1978 (being Laws 1999,  
14 Chapter 19, Section 8, as amended) is amended to read:

15 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
16 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY  
17 NOTIFICATION--INTERNET WEB SITE.--

18 A. If a sex offender is convicted of one of the  
19 following sex offenses, the county sheriff shall forward  
20 registration information obtained from the sex offender to the  
21 district attorney for the judicial district in which the sex  
22 offender resides and, if the sex offender is a resident of a  
23 municipality, the chief law enforcement officer for the  
24 municipality in which the sex offender resides:

25 (1) aggravated criminal sexual penetration or

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1 criminal sexual penetration in the first, second or third  
2 degree, as provided in Section 30-9-11 NMSA 1978;

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

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

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

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

16 (1) sheriff for the county in which the sex  
17 offenders reside;

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

20 (3) district attorney for the judicial  
21 district in which the sex offenders reside; or

22 (4) secretary of public safety.

23 C. Upon receiving a request for registration  
24 information regarding sex offenders described in Subsection A  
25 of this section, the county sheriff, chief municipal law

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1 enforcement officer, district attorney or secretary of public  
2 safety shall provide that registration information, with the  
3 exception of a sex offender's social security number and DNA  
4 information, within a reasonable period of time, and no later  
5 than seven days after receiving the request.

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

14 E. The department of public safety shall establish  
15 and manage an internet web site that provides the public with  
16 registration information regarding sex offenders described in  
17 Subsection A of this section, except that the department of  
18 public safety shall not provide registration information on the  
19 internet web site regarding a sex offender who was less than  
20 eighteen years of age when the sex offender committed the sex  
21 offense for which the sex offender was convicted as a youthful  
22 offender, as provided in Section 32A-2-3 NMSA 1978, unless at  
23 the time of sentencing, the court made a finding that the sex  
24 offender is not amenable to treatment and is a danger to the  
25 community. The registration information provided to the public

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1 pursuant to this subsection shall not include a sex offender's  
2 social security number or DNA information or a sex offender's  
3 place of employment, unless the sex offender's employment  
4 requires the sex offender to have [~~direct~~] unsupervised contact  
5 with children under sixteen years of age. The internet web  
6 site shall provide only the following registration information:

7 (1) the sex offender's legal name and any  
8 other names or aliases that the sex offender is using or has  
9 used;

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

12 (3) if the sex offender's employment involves  
13 unsupervised contact with children under sixteen years of age,  
14 the sex offender's place of employment;

15 (4) the sex offenses for which the sex  
16 offender has been convicted;

17 (5) a photograph of the sex offender;

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

19 (7) a physical description, including a  
20 description of any tattoos, scars or other distinguishing  
21 features on the sex offender's body."

22 SECTION 5. Section 29-11A-9 NMSA 1978 (being Laws 2005,  
23 Chapter 279, Section 7) is amended to read:

24 "29-11A-9. STATE PREEMPTION--SAVING CLAUSE.--

25 A. The state preempts the field of sex offender

.183117.2

underscored material = new  
[bracketed material] = delete

1 registration and notification. Cities, counties, home rule  
2 municipalities and other political subdivisions of the state  
3 are prohibited from adopting or continuing in effect any  
4 ordinance, rule, regulation, resolution or statute on sex  
5 offender registration and notification. State and local law  
6 enforcement agencies shall not require a sex offender to report  
7 or to register more frequently or to provide information not  
8 required by the Sex Offender Registration and Notification Act.

9 B. After January 18, 2005, cities, counties, home  
10 rule municipalities and other political subdivisions of the  
11 state are prohibited from adopting or amending an ordinance,  
12 rule, regulation or resolution on sex offender registration and  
13 notification. An ordinance in effect on January 18, 2005 shall  
14 continue in force and effect until repealed; provided that the  
15 ordinance shall only continue in force and effect with regard  
16 to sex offenders who are required to register pursuant to the  
17 provisions of the ordinance but who are not required to  
18 register pursuant to the provisions of the Sex Offender  
19 Registration and Notification Act. All other sex offenders  
20 shall register pursuant to the provisions of the Sex Offender  
21 Registration and Notification Act."

22 SECTION 6. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2011.