

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2024-01-31
Bill No: HB282

Sponsor(s) Meredith A. Dixon
: Marian Matthews

Agency Name and Code Number: CYFD 69000
Person Writing Analysis: Bob Cleavall

Short Title: SEX OFFENDER
REGISTRATION &
FEDERAL LAW

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total					Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation

Act:

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 282 amends Section 29-11A-2 NMSA 1978, the "Sex Offender Registration and Notification Act." Section 29-11A-2 is expanded to:

- * comply with the federal Adam Walsh Child Protection and Safety Act of 2006
- * updates the definitions and adds a definition for "juvenile sex offender".
- * changes the registration process., including registration time frames and in-person verification requirements
- * the bill classifies sex offenses into three tiers, each with specific registration and verification requirements;
- * amends public access and community notification provisions; and
- * Specific to CYFD the bill provides:
 - * that all juvenile sex offenders shall register with CYFD within 3 business days of release into the community after an adjudication for a sexually violent offense.
 - * states a juvenile sex offender's obligation to register shall extend until the offender attains twenty-one years of age or until the juvenile offender is released from supervision by CYFD; and
 - * CYFD shall retain registration information regarding a juvenile sex offender until the juvenile sex offender attains twenty-one years of age, at which time CYFD shall notify DPS that the registration period of the juvenile sex offender has expired. Within ten days of receiving the notices, DPS shall remove all information regarding the juvenile sex offender from the department's data base of sex offenders and remove or cause to be removed all information entered by any governmental entity in the state of New Mexico from all law enforcement databases.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

It is possible that CYFD may be able to tap into the existing sex offender registry database.

Adding juveniles to this registry has implications for the youth into adulthood, including negatively impacting employment, educational and housing opportunities. Further, minority youth are more likely to be treated like adults and sentenced like adults. This would further perpetuate the disparities that which exist within the criminal justice system.

PERFORMANCE IMPLICATIONS

It will affect CYFD's day to day work as a sex offender required registry maintained by the department could be labor intensive.

ADMINISTRATIVE IMPLICATIONS

CYFD would have to implement policies and procedures in accordance with the statute to comply with the required mandates.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

Technical issues may not be identified at this time but implementing the required registry mandates could cause issues in the future.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

Not Applicable