

LFC Requester:	Scott Sanchez
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1/31/24
Bill No: HB 282

Sponsor: M. Dixon/M. Matthews
Short Title: Sex Offender Registration and Federal Law

Agency Name and Code NM CVRC/78000
Number: _____
Person Writing Frank Zubia, C. Harwell
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	0	0

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The bill adds compliance with the Adam Walsh Child Protection and Safety Act to the preamble for the NM Sex Offender Registration and Notification Act. The bill proposes an expansion of registrants to include juveniles and individuals convicted of sex offenses out of state who work or go to school in N.M. The bill adds more offense convictions for mandatory registration requirement. The bill increases the terms of registration for certain crimes. The bill requires more frequent and more prompt registration and notification of changes in address.

The bill proposes the addition of juveniles aged fourteen or older as registrants when they are adjudicated to have committed sexually violent offenses with adult sentencing under NMSA 32A-2-20, or who have been adjudicated delinquent for a sexually violent offense, from the year 1995 onward. The juvenile who is adjudicated delinquent, for committing aggravated criminal sexual penetration/criminal sexual penetration in the first/second/or third degree, would register until age twenty-one or whenever released from supervision by CYFD. The juvenile sentenced as an adult would register as an adult sex offender for the relevant charge.

The bill adds registration requirements beginning on or after the date that N.M. required registration for those offenses.

The bill makes some grammatical changes that do not affect the substance of the law.

The proposed bill adds the following crimes to the list of offense convictions necessitating registration as a sex offender in N.M.: patronizing/promoting/ or accepting earnings of a prostitute who is younger than sixteen years of age, human trafficking of an individual less than sixteen years of age, criminal sexual communication with a child, and conspiracy to commit any of the listed offenses in the statute.

The bill creates three tiers of registration. A third-tier offense conviction would carry a requirement of lifetime registration with the county sheriff. A second-tier offense conviction would carry a twenty-five-year registration requirement (an increase from ten years) with the Department of Public Safety. A first-tier offense conviction would carry a duty to register with the Department of Public Safety for fifteen years. These registrations at all tier levels must be done by three days from the subject's release from confinement. Changes to registration information must also be done within three days of any change. The first-tier registrant would annually confirm the accuracy of the information provided for registration,

whereas the second-tier registrant would confirm this information every six months and the lifetime registrant would confirm the information every three months. A subsequent sex offense conviction of any kind would escalate the confirmation requirement to every three months. Registration and confirmation are to be done in person unless the registrant is in hospice or nursing home care. Information regarding tier two and three registrants would be forwarded to the relevant locality's district attorney, and any relevant municipal police agency. Juvenile registration information would be preserved until the registrant turned twenty-one, at which time CYFD must notify DPS to destroy the record and DPS would have ten days to do so.

FISCAL IMPLICATIONS

None for this agency.

Some federal funds to states are contingent on compliance with the Adam Walsh Child Protection and Safety Act requirements.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Inclusion of juvenile offenders and additional crimes with registration requirements will impact criminal case resolutions. Offenders are less likely to accept plea offers that carry registration requirements. Registration also impacts offender access to housing and employment post incarceration.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship: HB 116 changes to human trafficking statutes.

HB 109 changing penalty for certain crimes against children

TECHNICAL ISSUES

“Sexually violent offense” terminology in this bill and “serious violent offense” in NMSA 33-2-34 are so similarly labelled as to potentially cause confusion in practice.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Federal law requires in person registration, tiered registration, retroactive application, and the registration of juveniles adjudicated for sex crimes comparable to, or more severe than, the federal crime of aggravated sexual abuse or conspiracy to commit those crimes. Failure to enact these changes will result in loss of access to federal funds.

AMENDMENTS