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HOUSE BILL 57

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO CRIMINAL OFFENSES; PROVIDING FOR A RESIDENCY
RESTRICTION OF CERTAIN CONVICTED SEX OFFENDERS.

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

Section 1. A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] RESIDENCY RESTRICTION--SEX OFFENDERS.--

A. A person who was convicted of a sexual offense, served a jail or prison term and has not completed the terms of his parole or probation shall not reside within four thousand eight hundred feet of a public or private primary or secondary school, daycare center, community center or facility that provides services to minors.

B. A person who willfully violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be punished by imprisonment for a definite term less than one year or a fine of not more than one thousand dollars (\$1,000) or both.

C. For the purposes of this section, "sexual offense" means:

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

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- 1 (2) criminal sexual contact in the fourth degree, as provided in Section
- 2 30-9-12 NMSA 1978;
- 3 (3) criminal sexual contact of a minor in the third or fourth degree, as
- 4 provided in Section 30-9-13 NMSA 1978;
- 5 (4) sexual exploitation of children, as provided in Subsection A, B or
- 6 C of Section 30-6A-3 NMSA 1978; or
- 7 (5) sexual exploitation of children by prostitution, as provided in
- 8 Section 30-6A-4 NMSA 1978."

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 22, 1999

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9 Mr. Speaker:

10 Your **JUDICIARY COMMITTEE**, to whom has been referred

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12 **HOUSE BILL 57**

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14 has had it under consideration and reports same with recommendation that it **DO NOT**
15 **PASS**, but that

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17 **HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR**
18 **HOUSE BILL 57**

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20 **DO PASS.**

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HJC/HB 57

Page 4

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5 Respectfully submitted,

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10 **R. David Pederson, Chairman**

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12 Adopted _____ Not Adopted _____

13 (Chief Clerk)

(Chief Clerk)

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15 Date _____

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17 The roll call vote was 10 For 0 Against

18 Yes: 10

19 Excused: Luna, Sanchez

20 Absent: None

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22 F:\99Bills\WP\H0057

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 57

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO CRIMINAL OFFENSES; PROVIDING FOR A RESIDENCY
RESTRICTION OF CERTAIN CONVICTED SEX OFFENDERS.

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

Section 1. A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] RESIDENCY RESTRICTION--SEX OFFENDERS.--

A. A person who was convicted of a sexual offense, served a jail or prison term or was placed on probation or parole and has not completed the terms of his parole or probation shall not reside within one thousand feet of a public school or property that is used for public school purposes without the permission of his parole or probation officer.

B. For the purposes of this section, "sexual offense" means:

- (1) criminal sexual penetration in the first, second, third or fourth degree, as provided in Section 30-9-11 NMSA 1978;
- (2) criminal sexual contact in the fourth degree, as provided in Section 30-9-12 NMSA 1978;
- (3) criminal sexual contact of a minor in the third or fourth degree, as provided in Section 30-9-13 NMSA 1978;
- (4) sexual exploitation of children, as provided in Subsection A, B or

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C of Section 30-6A-3 NMSA 1978; or

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

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

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

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