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SENATE BILL 53

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; REQUIRING REGISTRATION FOR ADDITIONAL SEX OFFENSES; EXPANDING DEFINITION OF "SEX OFFENDER"; REQUIRING ADDITIONAL INFORMATION UPON REGISTRATION; CLARIFYING THE INFORMATION AVAILABLE ON THE SEX OFFENDER INTERNET WEB SITE; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTIONS 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 to read:

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

A. "conviction" means a conviction in any court of

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1 competent jurisdiction and includes a deferred sentence, but  
2 does not include a conditional discharge;

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

4 (1) private or public post-secondary  
5 educational institution;

6 (2) trade school; or

7 (3) professional school;

8 C. "habitually lives" means any place where the sex  
9 offender lives for at least thirty days in any three-hundred-  
10 sixty-five-day period;

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

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

18 (1) is a resident of New Mexico who is  
19 convicted of a sex offense pursuant to state, federal, tribal  
20 or military law or pursuant to the law of a foreign nation that  
21 provides due process similar to that provided in the United  
22 States;

23 (2) changes residence to New Mexico, when that  
24 person has been convicted of a sex offense pursuant to state,  
25 federal, tribal or military law or pursuant to the law of a

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1 foreign nation that provides due process similar to that  
2 provided in the United States;

3 (3) does not have an established residence in  
4 New Mexico, but lives in a shelter, halfway house or  
5 transitional living facility or stays in multiple locations in  
6 New Mexico and who has been convicted of a sex offense pursuant  
7 to state, federal, tribal or military law or pursuant to the  
8 law of a foreign nation that provides due process similar to  
9 that provided in the United States; or

10 (4) is a resident of another state and who has  
11 been convicted of a sex offense pursuant to state, federal,  
12 tribal or military law or pursuant to the law of a foreign  
13 nation that provides due process similar to that provided in  
14 the United States, but who is:

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

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

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

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

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

6 (3) criminal sexual contact of a minor in the  
7 second, third or fourth degree, as provided in Section  
8 30-9-13 NMSA 1978;

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

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

13 (6) kidnapping, as provided in Section  
14 30-4-1 NMSA 1978, when the victim is less than eighteen years  
15 of age and the offender is not a parent of the victim;

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;

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

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

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

25 (11) criminal sexual communication with a

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1 child, as provided in Section 30-37-3.3 NMSA 1978;

2 (12) human trafficking, as provided in Section  
3 30-52-1 NMSA 1978, for a sexual purpose, when the victim is  
4 less than sixteen years of age;

5 [~~(11)~~] (13) child solicitation by electronic  
6 communication device, as provided in Section 30-37-3.2 NMSA  
7 1978;

8 [~~(12)~~] (14) solicitation to commit criminal  
9 sexual contact of a minor in the second, third or fourth  
10 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;  
11 [~~or~~]

12 (15) conspiracy to commit any of the sex  
13 offenses set forth in Paragraphs (1) through (14) of this  
14 subsection, as provided in Section 30-28-2 NMSA 1978; or

15 [~~(13)~~] (16) attempt to commit any of the sex  
16 offenses set forth in Paragraphs (1) through [~~(10)~~] (12) of  
17 this subsection, as provided in Section 30-28-1 NMSA 1978."

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

20 "29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION  
21 REQUIRED--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

22 A. A sex offender residing in this state shall  
23 register with the county sheriff for the county in which the  
24 sex offender resides.

25 B. A sex offender who is a resident of New Mexico

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1 shall register with the county sheriff no later than ten days  
2 after being released from the custody of the corrections  
3 department, a municipal or county jail or a federal, military  
4 or tribal correctional facility or detention center or being  
5 placed on probation or parole. A sex offender who changes  
6 [his] residence to New Mexico shall register with the county  
7 sheriff no later than ten days after [his] arrival in this  
8 state. When a sex offender registers with the county sheriff,  
9 [he] the sex offender shall provide the following registration  
10 information:

11 (1) [his] the sex offender's legal name and  
12 any other names or aliases that [he] the sex offender is using  
13 or has used;

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

15 (3) [his] the sex offender's social security  
16 number;

17 (4) [his] the sex offender's current address  
18 and the address of every place where the sex offender  
19 habitually lives;

20 (5) [his] the name and address of the sex  
21 offender's place of employment;

22 (6) [~~the sex~~] every offense for which [~~he was~~]  
23 the sex offender has been convicted; [~~and~~]

24 (7) the date and place of [~~his sex offense~~]  
25 every arrest or conviction;

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1                   (8) the sex offender's names, addresses,  
2 monikers or other self-identifiers used in internet  
3 communications or postings or on other communication devices,  
4 to be used only for law enforcement purposes;

5                   (9) the sex offender's telephone numbers;

6                   (10) the sex offender's professional licenses;

7                   (11) the license plate or other identifier and  
8 the description of any vehicle owned or operated by the sex  
9 offender, including aircraft and watercraft;

10                   (12) the name and address of any school or  
11 institution of higher education that the sex offender is  
12 attending; and

13                   (13) copies of the sex offender's passport and  
14 immigration documents.

15                   C. A sex offender who is a resident of another  
16 state but who is employed in New Mexico or attending public or  
17 private school or an institution of higher education in New  
18 Mexico shall register with the county sheriff for the county in  
19 which the sex offender is working or attending school or an  
20 institution of higher education. [~~D. A sex offender who is a~~  
21 ~~resident of another state but who is employed in New Mexico or~~  
22 ~~attending public or private school or an institution of higher~~  
23 ~~education in New Mexico] The sex offender shall register [with  
24 ~~the county sheriff~~] no later than ten days after beginning work  
25 or school. When the 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 in [~~his~~] the sex offender's state of residence  
12 and, if applicable, the address of [~~his~~] the sex offender's  
13 place of lodging in New Mexico while [~~he is~~] working or  
14 attending school or an institution of higher education;

15 [~~(5) his place of employment or the name of~~  
16 ~~the school he is attending;~~

17 [~~(6) the sex offense for which he was~~  
18 ~~convicted; and~~

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

21 (5) every offense for which the sex offender  
22 has been convicted;

23 (6) the date and place of every arrest or  
24 conviction;

25 (7) the sex offender's names, addresses,

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1 monikers or other self-identifiers used in internet  
2 communications or postings or on other communication devices,  
3 to be used only for law enforcement purposes;

4 (8) the sex offender's telephone numbers;

5 (9) the sex offender's professional licenses;

6 (10) the license plate or other identifier and  
7 description of any vehicle owned or operated by the sex  
8 offender, including aircraft and watercraft;

9 (11) the name and address of the sex  
10 offender's place of employment and any school or institution of  
11 higher education that the sex offender is attending; and

12 (12) copies of the sex offender's passport and  
13 immigration documents.

14 ~~[E-]~~ D. When a sex offender registers with a county  
15 sheriff, the sheriff shall obtain:

16 (1) a photograph of the sex offender, ~~[and]~~ a  
17 complete set of the sex offender's fingerprints and a palm  
18 print;

19 (2) a physical description, including a  
20 description of any tattoos, scars or other distinguishing  
21 features on the sex offender's body that would assist in  
22 identifying the sex offender; and

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

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1           [F.] E. When a sex offender who is registered  
2 changes [~~his~~] residence within the same county, the sex  
3 offender shall send written notice of [~~his~~] the change of  
4 address to the county sheriff no later than ten days after  
5 establishing [~~his~~] the new residence.

6           [G.] F. When a sex offender who is registered  
7 changes [~~his~~] residence to a new county in New Mexico, the sex  
8 offender shall register with the county sheriff of the new  
9 county no later than ten days after establishing [~~his~~] the new  
10 residence. The sex offender shall also send written notice of  
11 the change in residence to the county sheriff with whom [~~he~~]  
12 the sex offender last registered no later than ten days after  
13 establishing [~~his~~] the new residence.

14           [H.] G. When a sex offender who is registered or  
15 required to register does not have an established residence,  
16 but lives in a shelter, halfway house or transitional living  
17 facility or stays in multiple locations in New Mexico, the sex  
18 offender shall register with the county sheriff for each county  
19 in which the sex offender is living or temporarily located.  
20 The sex offender shall register no later than ten days after a  
21 change in [~~his~~] living arrangements or temporary location.

22           [I.] H. When a sex offender who is registered or  
23 required to register is employed, begins a vocation or is  
24 enrolled as a student at an institution of higher education in  
25 New Mexico, the sex offender shall disclose [~~his~~] the sex

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1 offender's status as a sex offender in writing to the county  
2 sheriff for the county in which the institution of higher  
3 education is located, the law enforcement entity responsible  
4 for the institution of higher education and the registrar for  
5 the institution of higher education no later than ten days  
6 after beginning employment, beginning a vocation or enrolling  
7 at the institution of higher education. The sex offender shall  
8 also send written notice of any change regarding [~~his~~]  
9 employment, vocation or enrollment status at an institution of  
10 higher education to the county sheriff, the law enforcement  
11 entity and the registrar no later than ten days after the  
12 change in [~~his~~] employment, vocation or enrollment status.

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

25 [~~K.~~] J. When a sex offender who is registered or  
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1 required to register is employed, begins a vocation or  
2 volunteers [~~his~~] services, regardless of whether the sex  
3 offender receives payment or other compensation, the sex  
4 offender shall disclose [~~his~~] the sex offender's status as a  
5 sex offender in writing to [~~his~~] the sex offender's employer,  
6 supervisor or person similarly situated. The written  
7 disclosure shall be made immediately upon beginning [~~his~~]  
8 employment, vocation or volunteer service.

9 [~~L.~~] K. Following [~~his~~] initial registration  
10 pursuant to the provisions of this section:

11 (1) a sex offender [~~required to register~~  
12 ~~pursuant to the provisions of~~] convicted of any of the sex  
13 offenses enumerated in Subsection D of Section 29-11A-5 NMSA  
14 1978 or their equivalents shall renew [~~his~~] registration with  
15 the county sheriff not less than once in each ninety-day period  
16 following the date of the sex offender's initial registration  
17 for the entirety of [~~his~~] the sex offender's natural life; and

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

25 [~~M.~~] L. Notwithstanding the provisions of Paragraph

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

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

24 [~~O.~~] N. A sex offender who willfully or knowingly  
25 provides false information when complying with the registration

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

16 Section 3. Section 29-11A-5 NMSA 1978 (being Laws 1995,  
17 Chapter 106, Section 5, as amended by Laws 2007, Chapter 68,  
18 Section 2 and by Laws 2007, Chapter 69, Section 6) is amended  
19 to read:

20 "29-11A-5. LOCAL REGISTRY--CENTRAL REGISTRY--  
21 ADMINISTRATION BY DEPARTMENT OF PUBLIC SAFETY--PARTICIPATION IN  
22 THE NATIONAL SEX OFFENDER REGISTRY--RULES.--

23 A. A county sheriff shall maintain a local registry  
24 of sex offenders in the sheriff's jurisdiction required to  
25 register pursuant to the provisions of the Sex Offender

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1 Registration and Notification Act.

2 B. The county sheriff shall forward:

3 (1) registration information obtained from sex  
4 offenders to the department of public safety. The initial  
5 registration information and any new registration information  
6 subsequently obtained from a sex offender shall be forwarded by  
7 the county sheriff no later than ten working days after the  
8 information is obtained from a sex offender. If the department  
9 of public safety receives information regarding a sex offender  
10 from a governmental entity other than a county sheriff, the  
11 department shall send that information to the sheriff for the  
12 county in which the sex offender resides; and

13 (2) samples of DNA obtained from sex offenders  
14 to the administrative center for the sex offender DNA  
15 identification system pursuant to the provisions of the DNA  
16 Identification Act.

17 C. The department of public safety shall maintain a  
18 central registry of sex offenders required to register pursuant  
19 to the provisions of the Sex Offender Registration and  
20 Notification Act. The department shall participate in the  
21 national sex offender registry administered by the United  
22 States department of justice. The department shall send  
23 conviction information and fingerprints for all sex offenders  
24 registered in New Mexico to the national sex offender registry  
25 administered by the United States department of justice and to

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1 the federal bureau of investigation.

2 D. The department of public safety shall retain  
3 registration information regarding a sex offender convicted for  
4 any of the following sex offenses for the entirety of the sex  
5 offender's natural life:

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

9 (2) criminal sexual contact of a minor in the  
10 second, third or fourth degree, as provided in Section  
11 30-9-13 NMSA 1978;

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

14 (4) kidnapping, as provided in Section  
15 30-4-1 NMSA 1978, when the victim is less than eighteen years  
16 of age and the offender is not a parent of the victim;

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

19 (5) human trafficking, as provided in Section  
20 30-52-1 NMSA 1978, for a sexual purpose, when the victim is  
21 less than sixteen years of age; or

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

25 E. The department of public safety shall retain

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1 registration information regarding a sex offender convicted for  
2 the following offenses for a period of ten years following the  
3 sex offender's conviction, release from prison or release from  
4 probation or parole, whichever occurs later:

5 (1) criminal sexual penetration in the fourth  
6 degree, as provided in Section 30-9-11 NMSA 1978;

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

9 (3) false imprisonment, as provided in Section  
10 30-4-3 NMSA 1978, when the victim is less than eighteen years  
11 of age and the offender is not a parent of the victim;

12 (4) aggravated indecent exposure, as provided  
13 in Section 30-9-14.3 NMSA 1978;

14 (5) enticement of child, as provided in  
15 Section 30-9-1 NMSA 1978;

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

18 (7) criminal sexual communication with a  
19 child, as provided in Section 30-37-3.3 NMSA 1978;

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

22 [~~7~~] (9) solicitation to commit criminal  
23 sexual contact of a minor in the second, third or fourth  
24 degree, as provided in Sections 30-9-13 and 30-28-3 NMSA 1978;

25 [~~8~~] (10) child solicitation by electronic

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1 communication device, as provided in Section 30-37-3.2 NMSA  
2 1978; [~~or~~]

3 (11) conspiracy, as provided in Section  
4 30-28-2 NMSA 1978, to commit any of the sex offenses set forth  
5 in Subsection D or E of this section; or

6 [~~(9)~~] (12) attempt to commit any of the sex  
7 offenses set forth in Paragraphs (1) through [~~(6)~~] (8) of this  
8 subsection, as provided in Section 30-28-1 NMSA 1978.

9 F. Notwithstanding the provisions of Subsection E  
10 of this section, if a sex offender is convicted a second or  
11 subsequent time for a sex offense set forth in that subsection,  
12 the department of public safety shall retain information  
13 regarding the sex offender for the entirety of the sex  
14 offender's natural life.

15 G. The department of public safety shall adopt  
16 rules necessary to carry out the provisions of the Sex Offender  
17 Registration and Notification Act. Rules necessary for the  
18 collection of DNA samples and the administration and operation  
19 of the sex offender DNA identification system shall be adopted  
20 by the DNA identification system oversight committee pursuant  
21 to the provisions of the DNA Identification Act."

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

24 "29-11A-5.1. PUBLIC ACCESS TO INFORMATION REGARDING  
25 CERTAIN REGISTERED SEX OFFENDERS--ACTIVE COMMUNITY

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1 NOTIFICATION--INTERNET WEB SITE.--

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

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

12 (2) criminal sexual contact of a minor in the  
13 second, third or fourth degree, as provided in Section  
14 30-9-13 NMSA 1978;

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

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

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

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

25 (1) sheriff for the county in which the sex

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1 offenders reside;

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

4 (3) district attorney for the judicial  
5 district in which the sex offenders reside; or

6 (4) secretary of public safety.

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

15 D. Within seven days of receiving registration  
16 information from a sex offender described in Subsection A of  
17 this section, the county sheriff shall contact every licensed  
18 daycare center, elementary school, middle school and high  
19 school within a one-mile radius of the sex offender's residence  
20 and provide them with the sex offender's registration  
21 information, with the exception of the sex offender's social  
22 security number and DNA information.

23 E. The department of public safety shall establish  
24 and manage an internet web site that provides the public with  
25 registration information regarding sex offenders described in

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1 Subsection A of this section, except that the department of  
2 public safety shall not provide registration information on the  
3 internet web site regarding a sex offender who was less than  
4 eighteen years of age when the sex offender committed the sex  
5 offense for which the sex offender was convicted as a youthful  
6 offender, as provided in Section 32A-2-3 NMSA 1978, unless at  
7 the time of sentencing, the court made a finding that the sex  
8 offender is not amenable to treatment and is a danger to the  
9 community. The ~~[registration information provided to the~~  
10 ~~public pursuant to this subsection shall not include a sex~~  
11 ~~offender's social security number or DNA information or a sex~~  
12 ~~offender's place of employment, unless the sex offender's~~  
13 ~~employment requires the sex offender to have direct contact~~  
14 ~~with children.] internet web site shall provide the following~~  
15 registration information:

16 (1) the sex offender's legal name and any  
17 other names or aliases that the sex offender is using or has  
18 used;

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

21 (3) the address of the sex offender's place of  
22 employment, if the sex offender's employment requires the sex  
23 offender to have direct contact with children;

24 (4) every sex offense for which the sex  
25 offender has been convicted;

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underscored material = new  
[bracketed material] = delete

- 1                   (5) the sex offender's professional licenses;
- 2                   (6) the license plate or other identifier and
- 3 description of any vehicle owned or operated by the sex
- 4 offender, including aircraft and watercraft;
- 5                   (7) a photograph of the sex offender;
- 6                   (8) a physical description, including a
- 7 description of any tattoos, scars or other distinguishing
- 8 features on the sex offender's body that would assist in
- 9 identifying the sex offender; and
- 10                  (9) the sex offender's date of birth."

11                  Section 5. APPLICABILITY.--The provisions of this act  
12 apply to:

- 13                  A. a person convicted of a sex offense on or after
- 14 July 1, 2005; and
- 15                  B. a person convicted of a sex offense prior to
- 16 July 1, 2005 and who, on July 1, 2005, was still incarcerated,
- 17 on probation or on parole for commission of that sex offense.

18                  Section 6. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2010.