

NEW MEXICO SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

1,564 as of February 4, 2003.

1. WHO IS REQUIRED TO REGISTER?

Sex offenders must register.

(N.M. Stat. Ann. § 29-11-A-4(A))

2. WHAT DOES “SEX OFFENDER” MEAN?

“Sex offender” means a person 18 or older who:

- (1) is a resident of New Mexico, convicted of a sex offense in New Mexico;
- (2) changes his or her residence to New Mexico, when he or she has been convicted of a sex offense in another state pursuant to state, federal, or military law;
- (3) is a resident of New Mexico, convicted of a sex offense pursuant to federal or military law; or
- (4) is a resident of another state and convicted of a sex offense pursuant to state, federal, or military law, but who is:
 - (a) employed full- or part-time in New Mexico for a period of time that exceeds 14 days or for a total period of time exceeding 30 days during any year; or
 - (b) enrolled on a full- or part-time basis in a private or public school in New Mexico, including a secondary school, trade school, professional institution, or institution of higher education.

(N.M. Stat. Ann. § 29-11-A-3(A))

3. WHAT DOES “SEX OFFENSE” MEAN?

“Sex offense” means:

- (1) criminal sexual penetration in the first, second, third, or fourth degree;
- (2) criminal sexual contact in the fourth degree;
- (3) criminal sexual contact of a minor in the third or fourth degree;
- (4) sexual exploitation of children;
- (5) sexual exploitation of children by prostitution;
- (6) kidnapping or false imprisonment when victim is under 18 and offender is not a parent of victim;
- (7) solicitation to commit criminal sexual contact of minor in the third or fourth degree; or
- (8) an attempt to commit any of the sex offenses listed in (1) through (6) above.

(N.M. Stat. Ann. § 29-11-A-3(B))

4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Only sex offenders who are 18 and older are required to register.
(*N.M. Stat. Ann. § 29-11-4-3(A)*)

5. WHEN AND WHERE DOES AN OFFENDER REGISTER?

A sex offender must register with the county sheriff for the county in which he or she resides.
(*N.M. Stat. Ann. § 29-11-4-4(A)*)

A sex offender who is a current resident of New Mexico must register with the county sheriff no later than 10 days after his or her release from the custody of the Corrections Department or being placed on probation or parole.

(*N.M. Stat. Ann. § 29-11-4-4(B)*)

6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

When a sex offender registers with the county sheriff, he or she must provide his or her:

- (1) legal name and any other names or aliases that he or she is using or has used;
- (2) date of birth;
- (3) social-security number;
- (4) current address;
- (5) place of employment;
- (6) sex offense for which convicted; and
- (7) date and place of sex offense conviction.

(*N.M. Stat. Ann. § 29-11-4-4(B)*)

7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

When a sex offender who is registered changes his or her residence within the same county, he or she must send written notice of the change of address to the county sheriff no later than 10 days after establishing his or her new residence.

(*N.M. Stat. Ann. § 29-11-4-4(F)*)

If a sex offender who is registered changes residence to a new county in New Mexico, he or she must register with the county sheriff of the new county no later than 10 days after creating a new residence. The offender must also send written notice of change of residence to the county sheriff with whom he last registered no later than 10 days after establishing a new residence.

(*N.M. Stat. Ann. § 29-11-4-4(G)*)

8. WHAT HAPPENS IF AN OFFENDER MOVES FROM NEW MEXICO TO ANOTHER STATE?

If a sex offender intends to move from New Mexico to another state, no later than 30 days prior to moving to the other state, he or she must:

- (1) notify the county sheriff of the county he or she resides in that he or she is moving to the other state; and
- (2) provide the county sheriff with a written notice that identifies the state to which he or she is moving.

(*N.M. Stat. Ann. § 29-11-4-4.1(A)*)

Within five days of receiving a sex offender's written notice of intent to move to another state, the county sheriff must transmit that information to the Department of Public Safety. Within five days of receiving that information from a county sheriff, the department must contact the state agency responsible for registering sex offenders in the state to which the sex offender is moving. The department must provide that state agency with registration information regarding the sex offender. The department must also obtain information regarding registration requirements for sex offenders in the state to which he or she is moving. The department must provide the sex offender with written notification of the registration requirements in the state to which he or she is moving.

(N.M. Stat. Ann. § 29-11-A-4.1(B))

9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO NEW MEXICO REQUIRED TO REGISTER?

A sex offender who changes his or her residence to New Mexico must register with the county sheriff no later than 10 days after establishing residence in New Mexico.

(N.M. Stat. Ann. § 29-11-A-4(B))

10. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN NEW MEXICO?

A sex offender who is a resident of another state but employed or attending school in New Mexico must register with the county sheriff for the county in which he or she is working or attending school no later than 10 days after beginning work or school.

(N.M. Stat. Ann. §§ 29-11-A-4(C)-(D))

11. IS REGISTRATION A LIFETIME REQUIREMENT?

Sex offenders convicted of the following offenses must register for a period of 20 years:

- (1) criminal sexual penetration in the first or second degree;
- (2) criminal sexual contact of a minor in the third degree;
- (3) sexual exploitation of children;
- (4) kidnapping, when the victim is under 18 and the offender is not a parent of the victim; or
- (5) an attempt to commit any of the offenses listed in (1) through (4) above.

(N.M. Stat. Ann. § 29-11-A-4(H)(1))

Sex offenders convicted of the following offenses must register for a period of 10 years:

- (1) criminal sexual penetration in the third or fourth degree;
- (2) criminal sexual contact in the fourth degree;
- (3) criminal sexual contact of a minor in the fourth degree;
- (4) sexual exploitation of children by prostitution;
- (5) false imprisonment, when the victim is under 18 and the offender is not a parent of the victim;
- (6) solicitation to commit criminal sexual contact of a minor in the third or fourth degree; or
- (7) an attempt to commit any of the offenses listed in (1) through (5) above.

(N.M. Stat. Ann. § 29-11-A-4(H)(2))

12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Sex offenders who willfully fail to comply with registration requirements or who willfully provides false information when complying is guilty of a fourth-degree felony.

(N.M. Stat. Ann. §§ 29-11-A-4(I)-(J))

13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

If a sex offender is convicted of one of the following sex offenses, the county sheriff must forward registration information obtained from the sex offender to the district attorney for the judicial district in which the sex offender resides and if the sex offender is a resident of a municipality, the chief law-enforcement officer for the municipality in which the sex offender resides:

- (1) criminal sexual penetration in the first or second degree;
- (2) criminal sexual contact of a minor in the third or fourth degree;
- (3) sexual exploitation of children;
- (4) sexual exploitation of children by prostitution; or
- (5) an attempt to commit any of the offenses listed in (1) through (4) above.

(N.M. Stat. Ann. § 29-11A-5.1(A))

A person who wants to obtain registration information regarding the sex offenders described above may request that information from the:

- (1) county sheriff for the county in which the sex offenders reside;
- (2) chief law-enforcement officer for the municipality in which the sex offenders reside;
- (3) district attorney for the judicial district in which the sex offenders reside; or
- (4) secretary of public safety.

(N.M. Stat. Ann. § 29-11A-5.1(B))

Upon receiving a request for registration information, the county sheriff, chief municipal law-enforcement officer, district attorney, or secretary of public safety must provide that registration information, with the exception of a sex offender's social-security number, within a reasonable period of time, and no later than seven days after receiving the request.

(N.M. Stat. Ann. § 29-11A-5.1(C))

Within seven days of receiving registration information from a sex offender described above, the county sheriff must contact every licensed daycare center, elementary school, middle school, and high school within a one-mile radius of the sex offender's residence and provide them with the sex offender's registration information, with the exception of his or her social-security number.

(N.M. Stat. Ann. § 29-11A-5.1(D))

14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Department of Public Safety manages an Internet web site that provides the public with registration information regarding sex offenders convicted of one of the following offenses:

- (1) criminal sexual penetration in the first or second degree;
- (2) criminal sexual contact of a minor in the third or fourth degree;
- (3) sexual exploitation of children;
- (4) sexual exploitation of children by prostitution; or
- (5) an attempt to commit any of the offenses listed in (1) through (4) above.

The registration information provided to the public does not include a sex offender's social security number or place of employment, unless the sex offender's employment requires him or her to have direct contact with children.

(N.M. Stat. Ann. § 29-11A-5.1(E))

The web site, available at <http://www.nmsexoffender.com>, can be searched by name, zip code, city, and county. A statewide list is also available, as is information on absconders.