

West's New Mexico Statutes Annotated
Chapter 29. Law Enforcement
Article 11a. Sex Offender Registration and Notification

N. M. S. A. 1978, Ch. 29, Art. 11A, Refs & Annos
Currentness

NMSA 1978, Ch. 29, Art. 11A, Refs & Annos, NM ST Ch. 29, Art. 11A, Refs & Annos
Current through chapters effective July 1, 2025 of the 2025 First Regular Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025.

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Chapter 29. Law Enforcement
Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-1

§ 29-11A-1. Short title

Currentness

Chapter 29, Article 11A NMSA 1978 may be cited as the “Sex Offender Registration and Notification Act”.

Credits

L. 1995, Ch. 106, § 1, eff. July 1, 1995; L. 1999, Ch. 19, § 1, eff. July 1, 1999.

NMSA 1978, § 29-11A-1, NM ST § 29-11A-1

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Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-2

§ 29-11A-2. Findings; purpose

Currentness

A. The legislature finds that:

- (1) sex offenders pose a significant risk of recidivism; and
- (2) the efforts of law enforcement agencies to protect their communities from sex offenders are impaired by the lack of information available concerning convicted sex offenders who live within the agencies' jurisdictions.

B. The purpose of the Sex Offender Registration and Notification Act is to assist law enforcement agencies' efforts to protect their communities by:

- (1) requiring sex offenders who are residents of New Mexico to register with the county sheriff of the county in which the sex offender resides;
- (2) requiring sex offenders who are residents in other states, but who are employed in New Mexico or who attend school in New Mexico, to register with the county sheriff of the county in which the sex offender works or attends school;
- (3) requiring the establishment of a central registry for sex offenders; and
- (4) providing public access to information regarding certain registered sex offenders.

Credits

L. 1995, Ch. 106, § 2, eff. July 1, 1995; L. 1999, Ch. 19, § 2, eff. July 1, 1999.

NMSA 1978, § 29-11A-2, NM ST § 29-11A-2

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Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-3

§ 29-11A-3. Definitions

Currentness

As used in the Sex Offender Registration and Notification Act:

- A. “business day” means a day that is not a Saturday, a Sunday or a state holiday;
- B. “conviction” means a conviction in any court of competent jurisdiction and includes a deferred sentence, but does not include a conditional discharge;
- C. “department” means the department of public safety;
- D. “institution of higher education” means a:
 - (1) private or public post-secondary educational institution;
 - (2) trade school; or
 - (3) professional school;
- E. “habitually lives” means any place where a sex offender lives for at least thirty days in any three-hundred-sixty-five-day period;
- F. “out-of-state registrant” means any person who establishes a residence in New Mexico while the person is required to register as a sex offender in another state or territory;
- G. “registration requirement” means any requirement set forth in Section 29-11A-4 NMSA 1978 that requires a sex offender to register; provide information, including a DNA sample; renew, revise or change registration information; or provide written notice or disclosure regarding the sex offender's status as a sex offender;
- H. “sex offender” means a person who:

- (1) is a resident of New Mexico who is convicted of a sex offense pursuant to state, federal, tribal or military law;
- (2) changes residence to New Mexico, when that person has been convicted of a sex offense pursuant to state, federal, tribal or military law;
- (3) does not have an established residence in New Mexico, but lives in a shelter, halfway house or transitional living facility or stays in multiple locations in New Mexico and who has been convicted of a sex offense pursuant to state, federal, tribal or military law; or
- (4) is a resident of another state and who has been convicted of a sex offense pursuant to state, federal, tribal or military law, but who is:
 - (a) employed full time or part time in New Mexico for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during any calendar year, including any employment or vocation, whether financially compensated, volunteered or for the purpose of government or educational benefit; or
 - (b) enrolled on a full-time or part-time basis in a private or public school or an institution of higher education in New Mexico;

I. “sex offense” means any of the following offenses or their equivalents in any other jurisdiction:

- (1) aggravated criminal sexual penetration or 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 second, third or fourth degree, as provided in Section 30-9-13 NMSA 1978;
- (4) sexual exploitation of children, as provided in Section 30-6A-3 NMSA 1978;
- (5) sexual exploitation of children by prostitution, as provided in Section 30-6A-4 NMSA 1978;
- (6) kidnapping, as provided in Section 30-4-1 NMSA 1978, when committed with the intent to inflict a sexual offense;
- (7) false imprisonment, as provided in Section 30-4-3 NMSA 1978, when committed with the intent to inflict a sexual offense;
- (8) aggravated indecent exposure, as provided in Section 30-9-14.3 NMSA 1978;

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

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

(11) child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978, for convictions occurring on or after July 1, 2013;

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

(13) attempt to commit any of the sex offenses set forth in Paragraphs (1) through (11) of this subsection, as provided in Section 30-28-1 NMSA 1978; and

J. “social networking site” means an internet web site that facilitates online social interaction by offering a mechanism for communication with other users, where such users are likely to include a substantial number of minors under the age of sixteen, and allowing users, through the creation of web pages, profiles or other means, to provide information about themselves that is available to the public or to other users.

Credits

L. 1995, Ch. 106, § 3, eff. July 1, 1995. Amended by L. 1999, Ch. 19, § 3, eff. July 1, 1999; L. 2000, Ch. 8, § 1, eff. July 1, 2000; L. 2003, Sp.Sess., Ch. 1, § 10; L. 2005, Ch. 279, § 1, eff. July 1, 2005; L. 2007, Ch. 68, § 1, eff. July 1, 2007; L. 2007, Ch. 69, § 5, eff. July 1, 2007; L. 2013, Ch. 152, § 1, eff. July 1, 2013.

NMSA 1978, § 29-11A-3, NM ST § 29-11A-3

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Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-4

§ 29-11A-4. Registration of sex offenders; information required; verification; criminal penalty for noncompliance

Currentness

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

B. A sex offender who is a resident of New Mexico shall initially register with the county sheriff no later than five business days after being released from the custody of the corrections department, a municipal or county jail or a federal, military or tribal correctional facility or detention center or being placed on probation or parole. A sex offender who changes residence to New Mexico shall register with the county sheriff no later than five business days after arrival in this state. When a sex offender initially registers with the county sheriff, the sex offender shall provide the following registration information:

- (1) the sex offender's legal name and any other names or aliases that the sex offender is using or has used;
- (2) the sex offender's date of birth;
- (3) the sex offender's social security number;
- (4) the sex offender's current physical and mailing address and the address of every place where the sex offender habitually lives;
- (5) the sex offender's place of employment;
- (6) the sex offense for which the sex offender was convicted;
- (7) the date and place of the sex offense conviction;
- (8) the sex offender's names, email addresses and monikers and other self-identifiers used on social networking sites, to be used only for law enforcement purposes;
- (9) the sex offender's landline and cellular telephone numbers and any other telephone numbers primarily used by the sex offender;

(10) the sex offender's professional licenses;

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

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

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

C. A sex offender who is a resident of another state but who is employed in New Mexico or attending public or private school or an institution of higher education in New Mexico shall register with the county sheriff for the county in which the sex offender is working or attending school or an institution of higher education.

D. A sex offender who is a resident of another state but who is employed in New Mexico or attending public or private school or an institution of higher education in New Mexico shall register with the county sheriff no later than five business days after beginning work or school. When the sex offender registers with the county sheriff, the sex offender shall provide the following registration information:

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

(2) the sex offender's date of birth;

(3) the sex offender's social security number;

(4) the sex offender's current physical and mailing address in the sex offender's state of residence and, if applicable, the address of the sex offender's place of lodging in New Mexico while working or attending school or an institution of higher education;

(5) the sex offender's place of employment or the name of the school the sex offender is attending;

(6) the sex offense for which the sex offender was convicted; and

(7) the date and place of the sex offense conviction.

E. When a sex offender registers with a county sheriff, the sheriff shall obtain:

(1) a photograph of the sex offender and a complete set of the sex offender's fingerprints and a palm print;

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

(3) a DNA sample for inclusion in the sex offender DNA identification system pursuant to the provisions of the DNA Identification Act [Chapter 29, Article 16 NMSA 1978].

F. When a sex offender who is registered changes any information required under this section, the sex offender shall send written notice of the change on a form approved by the department to the county sheriff no later than five business days after the change occurs.

G. When a sex offender who is registered changes residence to a new county in New Mexico, the sex offender shall register with the county sheriff of the new county no later than five business days after establishing the new residence. The sex offender shall also send written notice of the change in residence to the county sheriff with whom the sex offender last registered no later than five business days after establishing the new residence.

H. When a sex offender who is registered or required to register is homeless or does not have an established residence, but lives in a shelter, halfway house or transitional living facility or stays in multiple locations in New Mexico, the sex offender shall register each address or temporary location with the county sheriff for each county in which the sex offender is living or temporarily located. The sex offender shall register no later than five business days after a change in living arrangements or temporary location.

I. When a sex offender who is registered or required to register is employed, begins a vocation or is enrolled as a student at an institution of higher education in New Mexico, the sex offender shall disclose the sex offender's status as a sex offender in writing to the county sheriff for the county in which the institution of higher education is located, the law enforcement entity responsible for the institution of higher education and the registrar for the institution of higher education no later than five business days after beginning employment, beginning a vocation or enrolling at the institution of higher education. The sex offender shall also send written notice of any change regarding employment, vocation or enrollment status at an institution of higher education to the county sheriff, the law enforcement entity and the registrar no later than five business days after the change in employment, vocation or enrollment status.

J. When a sex offender who is registered or required to register is employed or is enrolled as a student at a public or private school in New Mexico, the sex offender shall disclose the sex offender's status as a sex offender in writing to the county sheriff for the county in which the school is located and to the principal of the school no later than five business days after beginning employment or enrolling at the school. The sex offender shall also send written notice of any change regarding employment or enrollment status at a school to the county sheriff and the principal no later than five business days after the change in employment or enrollment status.

K. When a sex offender who is registered or required to register is employed, begins a vocation or volunteers services, regardless of whether the sex offender receives payment or other compensation, the sex offender shall disclose the sex offender's status as a sex offender in writing to the sex offender's employer, supervisor or person similarly situated. The written disclosure shall be made immediately upon beginning employment, vocation or volunteer service.

L. Following initial registration pursuant to the provisions of this section:

(1) a sex offender required to register pursuant to the provisions of Subsection D of Section 29-11A-5 NMSA 1978 shall verify registration information with the county sheriff as provided in Subsection N of this section not less than once in each ninety-day period following the date of the sex offender's initial registration for the remainder of the sex offender's natural life;

(2) a sex offender required to register pursuant to the provisions of Subsection E of Section 29-11A-5 NMSA 1978 shall verify registration information with the county sheriff as provided in Subsection N of this section once every six months for a period of ten years; and

(3) an out-of-state registrant shall verify registration information with the county sheriff for whichever is the longer of:

(a) the duration of time remaining in the registrant's convicting jurisdiction and at the same frequency as required in that state or territory, but no less than once every six months; or

(b) the duration of time remaining that would be required for the equivalent offense in New Mexico.

M. Notwithstanding the provisions of Paragraph (2) of Subsection L of this section, if a sex offender is convicted a second or subsequent time for a sex offense set forth in Subsection E of Section 29-11A-5 NMSA 1978, the sex offender shall verify registration information with the county sheriff as provided in Subsection N of this section not less than once in each ninety-day period following the date of the sex offender's initial registration for the remainder of the sex offender's natural life.

N. At least fifteen days prior to the time a sex offender is required to verify registration information, the department shall send a verification form to the sex offender, by first class mail, containing the sex offender's current registration information and a notice of the date that the sex offender's next verification is due. The sex offender shall appear in person at a location designated by the department to verify the information contained on the form, to change the information as necessary and to sign a statement under oath that the information is true and correct. The department may photograph the sex offender at that time if the sex offender's appearance is significantly different from the photograph already contained in the sex offender's file. If a sex offender does not receive a verification form before the time that the sex offender is required to verify registration pursuant to Subsection L of this section, the sex offender shall appear at a location designated by the department to verify registration information as required by this section.

O. The department shall establish a secure system that will permit a sex offender to notify the department electronically of any change in registration information.

P. A sex offender who willfully or knowingly fails to comply with the registration or verification requirements set forth in this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978. A sex offender who willfully or knowingly fails to comply with the registration or verification requirements set forth in this section after a first or subsequent conviction for a violation pursuant to this section is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978. The willful failure to comply with any registration or verification requirement set forth in this section shall be deemed part of a continuing transaction or occurrence. A conviction pursuant to this subsection shall not be considered a felony for purposes of the imposition of sentencing enhancements pursuant to the provisions of Section 31-18-17 NMSA 1978.

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

Credits

L. 1995, Ch. 106, § 4, eff. July 1, 1995; L. 1999, Ch. 19, § 4, eff. July 1, 1999; L. 2000, Ch. 8, § 2, eff. July 1, 2000; L. 2005, Ch. 279, § 2, eff. July 1, 2005; L. 2013, Ch. 152, § 2, eff. July 1, 2013.

NMSA 1978, § 29-11A-4, NM ST § 29-11A-4

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N. M. S. A. 1978, § 29-11A-4.1

§ 29-11A-4.1. Procedures when a sex offender moves from New Mexico to another state

Currentness

A. If a sex offender intends to move from New Mexico to another state, no later than thirty days prior to moving to the other state, he shall:

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

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

C. A sex offender who willfully fails to comply with the requirements set forth in this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

Credits

L. 2000, Ch. 8, § 6, eff. July 1, 2000; L. 2005, Ch. 279, § 3, eff. July 1, 2005.

NMSA 1978, § 29-11A-4.1, NM ST § 29-11A-4.1

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N. M. S. A. 1978, § 29-11A-5

§ 29-11A-5. Local registry; central registry; administration by department
of public safety; participation in the national sex offender registry; rules

Currentness

A. A county sheriff shall maintain a local registry of sex offenders in the sheriff's jurisdiction required to register pursuant to the provisions of the Sex Offender Registration and Notification Act.

B. The county sheriff shall forward:

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

(2) samples of DNA obtained from sex offenders to the administrative center for the sex offender DNA identification system pursuant to the provisions of the DNA Identification Act [Chapter 29, Article 16 NMSA 1978].

C. The department of public safety shall maintain a central registry of sex offenders required to register pursuant to the provisions of the Sex Offender Registration and Notification Act. The department shall participate in the national sex offender registry administered by the United States department of justice. The department shall send conviction information and fingerprints for all sex offenders registered in New Mexico to the national sex offender registry administered by the United States department of justice and to the federal bureau of investigation.

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

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

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

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

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

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

(6) 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.

E. The department of public safety shall retain registration information regarding a sex offender convicted for the following offenses for a period of ten years following the sex offender's conviction, release from prison or release from probation or parole, whichever occurs later:

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

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

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

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

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

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

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

(8) child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978; or

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

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

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

Credits

L. 1995, Ch. 106, § 5, eff. July 1, 1995. Amended by L. 1999, Ch. 19, § 5, eff. July 1, 1999; L. 2000, Ch. 8, § 3, eff. July 1, 2000; L. 2003, Sp.Sess., Ch. 1, § 11; L. 2005, Ch. 279, § 4, eff. July 1, 2005; L. 2007, Ch. 68, § 2, eff. July 1, 2007; L. 2007, Ch. 69, § 6, eff. July 1, 2007.

NMSA 1978, § 29-11A-5, NM ST § 29-11A-5

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N. M. S. A. 1978, § 29-11A-5.1

§ 29-11A-5.1. Public access to information regarding certain registered
sex offenders; active community notification; internet web site

Currentness

A. If a sex offender is convicted of one of the following sex offenses, the county sheriff shall 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) aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 NMSA 1978;
- (2) criminal sexual contact of a minor in the second, third or fourth degree, as provided in Section 30-9-13 NMSA 1978;
- (3) sexual exploitation of children, as provided in Section 30-6A-3 NMSA 1978;
- (4) sexual exploitation of children by prostitution, as provided in Section 30-6A-4 NMSA 1978; or
- (5) attempt to commit any of the sex offenses set forth in Paragraphs (1) through (4) of this subsection, as provided in Section 30-28-1 NMSA 1978.

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

- (1) 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.

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

D. Within seven days of receiving registration information from a sex offender described in Subsection A of this section, the county sheriff shall 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 the sex offender's social security number and DNA information.

E. The department shall establish and manage an internet web site that provides the public with registration information regarding sex offenders described in Subsection A of this section, except that the department shall not provide registration information on the internet web site regarding a sex offender who was less than eighteen years of age when the sex offender committed the sex offense for which the sex offender was convicted as a youthful offender, as provided in Section 32A-2-3 NMSA 1978, unless at the time of sentencing, the court made a finding that the sex offender is not amenable to treatment and is a danger to the community. The registration information provided to the public pursuant to this subsection shall not include a sex offender's social security number or DNA information or the identity of a sex offender's place of employment, unless the sex offender's employment requires the sex offender to have direct contact with children. The internet web site shall provide only the following registration information:

- (1) the sex offender's legal name and any other names or aliases that the sex offender is using or has used;
- (2) the sex offender's current address and the address of every place where the sex offender habitually lives;
- (3) if the sex offender's employment involves direct contact with children, the sex offender's place of employment;
- (4) the sex offenses for which the sex offender has been convicted;
- (5) a photograph of the sex offender;
- (6) the sex offender's date of birth;
- (7) a physical description, including a description of any tattoos, scars or other distinguishing features on the sex offender's body that would assist in identifying the sex offender; and
- (8) a link that will pinpoint the location of the sex offender's place of employment if the sex offender has direct contact with children.

Credits

L. 1999, Ch. 19, § 8, eff. July 1, 1999. Amended by L. 2000, Ch. 8, § 4, eff. July 1, 2000; L. 2003, Sp.Sess., Ch. 1, § 12; L. 2005, Ch. 279, § 5, eff. July 1, 2005; L. 2007, Ch. 69, § 7, eff. July 1, 2007; L. 2013, Ch. 152, § 3, eff. July 1, 2013.

NMSA 1978, § 29-11A-5.1, NM ST § 29-11A-5.1

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N. M. S. A. 1978, § 29-11A-6

§ 29-11A-6. Repealed by L. 1999, Ch. 19, § 9, eff. July 1, 1999

Currentness

NMSA 1978, § 29-11A-6, NM ST § 29-11A-6

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N. M. S. A. 1978, § 29-11A-7

§ 29-11A-7. Notice to sex offenders of duty to register

Currentness

A. A court shall provide a sex offender convicted in that court with written notice of his duty to register pursuant to the provisions of the Sex Offender Registration and Notification Act. The written notice shall be included in judgment and sentence forms provided to the sex offender. The written notice shall inform the sex offender that he is required to:

- (1) register with the county sheriff for the county in which the sex offender will reside or, if the sex offender will not have an established residence, with the county sheriff for each county in which the sex offender will live or be temporarily located pursuant to the provisions of the Sex Offender Registration and Notification Act;
- (2) report subsequent changes of address pursuant to the provisions of the Sex Offender Registration and Notification Act;
- (3) notify the county sheriff of the county he resides in if the sex offender intends to move to another state and that the sex offender is required to register in the other state pursuant to the provisions of the Sex Offender Registration and Notification Act;
- (4) disclose his status as a sex offender in writing when he begins employment, begins a vocation or enrolls as a student at an institution of higher education in New Mexico to the county sheriff for the county in which the institution of higher education is located and to the law enforcement entity and registrar for the institution of higher education pursuant to the provisions of the Sex Offender Registration and Notification Act;
- (5) provide written notice of any change regarding his employment, vocation or enrollment status at an institution of higher education to the county sheriff, the law enforcement entity and the registrar pursuant to the provisions of the Sex Offender Registration and Notification Act;
- (6) disclose his status as a sex offender in writing when he enrolls as a student at a private or public school in New Mexico, to the county sheriff for the county in which the school is located and to the principal of the school pursuant to the provisions of the Sex Offender Registration and Notification Act;
- (7) provide written notice of any change regarding his enrollment status at a public or private school in New Mexico to the county sheriff and the principal of the school pursuant to the provisions of the Sex Offender Registration and Notification Act;

(8) disclose his status as a sex offender in writing to his employer, supervisor or other person similarly situated, when he begins employment, begins a vocation or volunteers his services, regardless of whether the sex offender receives payment or other compensation, pursuant to the provisions of the Sex Offender Registration and Notification Act; and

(9) read and sign a form that indicates that the sex offender has received the written notice and that a responsible court official, designated by the chief judge for that judicial district, has explained the written notice to the sex offender.

B. The corrections department, a municipal or county jail or a detention center at the time of release of a sex offender in its custody, shall provide a written notice to the sex offender of his duty to register, pursuant to the provisions of the Sex Offender Registration and Notification Act. The written notice shall inform the sex offender that he is required to:

(1) register with the county sheriff for the county in which the sex offender will reside or, if the sex offender will not have an established residence, with the county sheriff for each county in which the sex offender will live or be temporarily located pursuant to the provisions of the Sex Offender Registration and Notification Act;

(2) report subsequent changes of address pursuant to the provisions of the Sex Offender Registration and Notification Act;

(3) notify the county sheriff of the county he resides in if the sex offender intends to move to another state and that the sex offender is required to register in the other state pursuant to the provisions of the Sex Offender Registration and Notification Act;

(4) disclose his status as a sex offender in writing when he begins employment, begins a vocation or enrolls as a student at an institution of higher education in New Mexico to the county sheriff for the county in which the institution of higher education is located and to the law enforcement entity and registrar for the institution of higher education pursuant to the provisions of the Sex Offender Registration and Notification Act;

(5) provide written notice of any change regarding his employment, vocation or enrollment status at an institution of higher education to the county sheriff, the law enforcement entity and the registrar pursuant to the provisions of the Sex Offender Registration and Notification Act;

(6) disclose his status as a sex offender in writing when he enrolls as a student at a private or public school in New Mexico, to the county sheriff for the county in which the school is located and to the principal of the school pursuant to the provisions of the Sex Offender Registration and Notification Act;

(7) provide written notice of any change regarding his enrollment status at a public or private school in New Mexico to the county sheriff and the principal of the school pursuant to the provisions of the Sex Offender Registration and Notification Act;

(8) disclose his status as a sex offender in writing to his employer, supervisor or other person similarly situated, when he begins employment, begins a vocation or volunteers his services, regardless of whether the sex offender receives payment or other compensation, pursuant to the provisions of the Sex Offender Registration and Notification Act; and

(9) read and sign a form that indicates that the sex offender has received the written notice and that a responsible corrections department official, designated by the secretary of corrections, or a responsible municipal or county jail official or detention center official has explained the written notice to the sex offender.

C. A court, the corrections department, a municipal or county jail or a detention center shall also provide written notification regarding a sex offender's release to the sheriff of the county in which the sex offender is released and to the department of public safety.

D. The department of public safety, at the time it is notified by officials from another state that a sex offender will be establishing residence in New Mexico, shall provide written notice to the sex offender of his duty to register pursuant to the provisions of the Sex Offender Registration and Notification Act.

Credits

L. 1995, Ch. 106, § 7, eff. July 1, 1995; L. 1999, Ch. 19, § 6, eff. July 1, 1999; L. 2000, Ch. 8, § 5, eff. July 1, 2000; L. 2005, Ch. 279, § 6, eff. July 1, 2005.

NMSA 1978, § 29-11A-7, NM ST § 29-11A-7

Current through chapters effective July 1, 2025 of the 2025 First Regular Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025.

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West's New Mexico Statutes Annotated

Chapter 29. Law Enforcement

Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-8

§ 29-11A-8. Immunity

Currentness

Nothing in the Sex Offender Registration and Notification Act creates a cause of action on behalf of a person against a public employer, public employee or public agency responsible for enforcement of the provisions of that act, so long as the public employer, public employee or public agency complies with the provisions of that act.

Credits

L. 1995, Ch. 106, § 8, eff. July 1, 1995; L. 1999, Ch. 19, § 7, eff. July 1, 1999.

NMSA 1978, § 29-11A-8, NM ST § 29-11A-8

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West's New Mexico Statutes Annotated

Chapter 29. Law Enforcement

Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-9

§ 29-11A-9. State preemption; saving clause

Currentness

A. The state preempts the field of sex offender registration and notification. Cities, counties, home rule municipalities and other political subdivisions of the state are prohibited from adopting or continuing in effect any ordinance, rule, regulation, resolution or statute on sex offender registration and notification and from imposing any other restrictions on sex offenders that are not included in the Sex Offender Registration and Notification Act. The department, cities, counties, home rule municipalities and other political subdivisions of the state shall not require a sex offender to report or to register more frequently or to provide information not required by the Sex Offender Registration and Notification Act.

B. After January 18, 2005, cities, counties, home rule municipalities and other political subdivisions of the state are prohibited from adopting or amending an ordinance, rule, regulation or resolution on sex offender registration and notification. An ordinance in effect on January 18, 2005 shall continue in force and effect until repealed; provided that the ordinance shall only continue in force and effect with regard to sex offenders who are required to register pursuant to the provisions of the ordinance but who are not required to register pursuant to the provisions of the Sex Offender Registration and Notification Act. All other sex offenders shall register pursuant to the provisions of the Sex Offender Registration and Notification Act.

Credits

Added by L. 2005, Ch. 279, § 7, eff. July 1, 2005. Amended by L. 2013, Ch. 152, § 4, eff. July 1, 2013.

NMSA 1978, § 29-11A-9, NM ST § 29-11A-9

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West's New Mexico Statutes Annotated

Chapter 29. Law Enforcement

Article 11a. Sex Offender Registration and Notification (Refs & Annos)

N. M. S. A. 1978, § 29-11A-10

§ 29-11A-10. Severability

Currentness

If any part or application of the Sex Offender Registration and Notification Act is held invalid, the remainder of that act and its application to other situations or persons shall not be affected.

Credits

Added by L. 2005, Ch. 279, § 8, eff. July 1, 2005.

NMSA 1978, § 29-11A-10, NM ST § 29-11A-10

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