

LFC Requester:	Eric Chenier
-----------------------	---------------------

**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 X **Amendment**
Correction **Substitute**

Date 01/29/2013
Bill No: HB270--305

Sponsor: Rep. Thomas C. Taylor **Reviewing** Attorney General's Office
Short SEX OFFENDER PAROLE RISK **Person Writing** Trevor A. Rigler, AAG
Title: & NEEDS ASSESSMENTS **Phone:** 5052229013 **Email** trigler@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHAGED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

HB 270, if amended would amend §31-21-10.1 NMSA (“SEX OFFENDERS--PERIOD OF PAROLE--TERMS AND CONDITIONS OF PAROLE”) as follows:

First, it would include the offense of child solicitation by electronic device to the list of enumerated offenses requiring between five and 20 years of sex offender parole supervision upon release from incarceration.

Second, it would set out the terms by which a risk and needs assessment would be generated for review by the sex offender parole board.

Third, it would create a scheduling framework under which those incarcerated for violation of the terms of sex offender parole could request a parole hearing and would also require that sex offender parole hearings would be conducted annually thereafter.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

Adding one offense to the list of enumerated offenses requiring sex offender parole and requiring sex offender parole hearings annually for sex offender parolees incarcerated for violation of sex offender parole would result in a fiscal impact on all agencies involved in sex offender parole supervision and sex offender parole hearings.

SIGNIFICANT LEGAL ISSUES

None. The bill makes minimal changes to the existing law governing sex offender parole. It does not remove any rights from sex offender parolees and actually provides them greater due process than what was previously allowed. While the bill would require that sex offender parolees pay for the risk and needs assessments, it also has language that would vest the New Mexico Public Defender with the authority to determine indigency.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

HB 48 - "NO SEX OFFENDER USE OF CERTAIN MEDIA" (Nate Gentry), which would ban registered sex offenders from using certain types of social media websites and programs.

TECHNICAL ISSUES OR DRAFTING ERROR

None

OTHER SUBSTANTIVE LEGAL ISSUES

None

ALTERNATIVES TO ENACTING THIS BILL

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None