

<b>LFC Requester:</b>	<b>Connor Jorgensen</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto: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:*

<b>Original</b>	<input type="checkbox"/>	<b>Amendment</b>	<input checked="" type="checkbox"/>	<b>Date</b>	<u>1/30/2015</u>
<b>Correction</b>	<input type="checkbox"/>	<b>Substitute</b>	<input type="checkbox"/>	<b>Bill No:</b>	<u>SB 380</u>

<b>Sponsor:</b>	<u>Sen. Jacob R. Candelaria</u>	<b>Agency Code:</b>	<u>Attorney General's Office</u>
<b>Short Title:</b>	<u>Internet Crimes Against Children Fund</u>	<b>Person Writing</b>	<u>James Torres, AAG</u>
		<b>Phone:</b>	<u>827-6064</u>
		<b>Email</b>	<u>jtorres@nmag.gov</u>

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

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

**BILL SUMMARY**

**Synopsis:**

SB 380 proposes to establish the Internet Crimes Against Children Fund (“Fund”), which will consist of donations, appropriations, gifts, and grants to the Fund, as well as money credited pursuant to §29-11A-4 NMSA 1978 (as amended). The Fund would be administered by the attorney general and all money in the Fund would be appropriated to pay for the investigation of internet crimes against children state-wide.

This bill further proposes to amend and modify §29-11A-4 NMSA 1978 to levy a fee of \$140 against convicted sex offenders upon initial sex offender registration. The sheriff of the county in which the sex offender registers will collect the \$140 registration fee and submit the total amount collected from registrations each month to the department of public safety to credit to the Fund.

Finally, this bill would amend §29-11A-7 to require that the sex offender is notified of the imposition of the fee assessed pursuant to §29-11A-4.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

As drafted, one could argue that there is some ambiguity as to whether the \$140 fee created by proposed subsection (F) is a one-time fee that would only apply to sex offenders upon their first registration for offenses committed after the effective date of this amendment, or if the \$140 fee will be assessed retroactively upon all existing sex offenders every time they register in in a county within New Mexico. Subsection (B) of the current statute provides that a resident of New Mexico “shall initially register” in the county where the sex offender resides within 5 days of release from custody or being placed on probation or parole. This subsection also provides that a sex offender who changes residence to New Mexico must register within 5 days after arrival. This subsection would be amended to include a \$140 fee upon “initial” registration. Subsection (D) applies the same fee to out-of-state sex offenders working or attending school in New Mexico. If this registration fee is intended to be proactive (applying to sex offenders convicted of a crime causing their required registration after the effective date of this

amendment), no significant issues regarding retroactive application exist. If the \$140 fee is intended to apply retroactively to sex offenders convicted before the effective date of this legislation, SB 380 may need to be amended to clarify that it does not require an ex-post facto fine, but rather a fee upon registry in a new county.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

Addressed above

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

**AMENDMENTS**