



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-040900 Sex Offender Registration and Notification	Issued: 04/19/96 Effective: 04/19/96	Reviewed: 07/31/23 Revised: 01/26/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

NMSA 1978, Section 29-11A-1 through -8 and 31-21-10.1, as amended.

## REFERENCES:

None

## PURPOSE:

To ensure New Mexico Corrections Department compliance with the Sex Offender Registration and Notification Act.

## APPLICABILITY:

All employees of the New Mexico Corrections Department, particularly those who handle institutional releases and all entities and facilities which contract with the NMCD to house NMCD inmates, particularly those who handle institutional releases; and those employed as probation and parole officers.

## FORMS:

None

## ATTACHMENTS:

**Notice to Register** Attachment (*CD-040901.A*)

## DEFINITIONS:

- A. *Sex Offender*: Applicable to persons convicted of a sex offense on or after July 1, 1995; and persons convicted of a sex offense prior to July 1, 1995, and who on July 1, 1995, were incarcerated, on probation or on parole. A person who, on or after July 1, 2013, is found guilty of committing a sex offense.

A person eighteen (18) years of age or older who:

- is a resident of New Mexico who is convicted of a sex offense in New Mexico;

- changes his or her residence to New Mexico when that person has been convicted of a sex offense in another state pursuant to state, federal, tribal, or military law;
- is a resident of New Mexico who is convicted of a sex offense pursuant to federal, tribal, or military law;
- does not have an established residence in New Mexico, but lives in a shelter, halfway house or other transitional living facility, or stays in multiple locations in New Mexico and who has been convicted of a sex offense in New Mexico or any other state pursuant to state, federal, tribal, or military law; or
- is a resident of another state and 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 (14) days or for an aggregate period of time exceeding thirty (30) days during any calendar year including any employment or vocation, whether financially compensated, volunteered, or for the purpose of government or educational benefits; or b) enrolled on a full-time or part-time basis in a private or public school in New Mexico or any institution of higher education.

B. Sex Offense: Includes:

- aggravated criminal sexual penetration or criminal sexual penetration in the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> degree;
- criminal sexual contact in the 4<sup>th</sup> degree;
- criminal sexual contact of a minor in the 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> degree;
- sexual exploitation of children;
- sexual exploitation of children by prostitution;
- kidnapping, when the victim is less than eighteen (18) years of age, and the offender is not a parent of the victim;
- kidnapping, when committed with the intent to inflict a sexual offense (2013 law)
- false imprisonment, when committed with the intent to inflict a sexual offense (2013 Law)
- false imprisonment, when the victim is less than eighteen (18) years of age, and the offender is not a parent of the victim;
- child solicitation by electronic communication device (2013 Law)
- aggravated indecent exposure;
- enticement of a child;
- incest when the victim is less than eighteen (18) years of age;
- solicitation to commit criminal sexual contact of a minor in the 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> degree; or
- an attempt to commit any of the sex offenses set forth in the list above

**POLICY:**

- A. All Corrections Department institutions and all entities and facilities that contract with the Corrections Department to house NMCD inmates shall, at the time of release of a sex offender from custody (including parole, discharge, reintegration to community corrections, or intensive supervision) provide written notification to the sex offender of his or her duty to register pursuant to the Sex Offender Registration Act by registering with the sheriff of the

county of their residence within ten (10) days of release. The information that must be provided by the Department is contained in the **Notice to Register** attachment (*CD-040901.A*), and the department must provide a copy of the **Notice to Register** to all sex offenders being released from the custody of the institution.

- B. Sex offenders convicted for any of the following offenses shall be required to register for the entirety of the sex offender's natural life:
1. Aggravated Criminal Sexual Penetration or Criminal Sexual Penetration (1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree);
  2. Criminal Sexual Contact of a Minor (2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degree);
  3. Sexual Exploitation of Children;
  4. Kidnapping, when the victim is less than eighteen (18) years of age, and the offender is not a parent of the victim;
  5. Kidnapping, when committed with the intent to inflict a sexual offense (convicted on or after July 1, 2013)
  6. Criminal Sexual Contact (4<sup>th</sup> degree);
  7. Attempt to commit any of the sex offenses above.
- C. Sex offenders convicted of any of the following offenses shall be required to register for a period of ten (10) years following the sex offender's conviction, release from prison, or release from probation or parole:
1. Criminal Sexual Penetration (4<sup>th</sup> degree);
  2. Sexual Exploitation of Children by Prostitution;
  3. False Imprisonment when the victim is less than eighteen (18) years of age, and the offender is not a parent of the victim;
  4. False imprisonment, when committed with the intent to inflict a sexual offense (convicted on or after July 1, 2013)
  5. Aggravated Indecent Exposure;
  6. Enticement of Child;
  7. Incest, when the victim is less than eighteen (18) years of age;
  8. Solicitation to Commit Criminal Sexual Contact of a Minor (2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degree);  
and
  9. Child Solicitation by Electronic Communication Device (2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degrees.)(**convicted on or after July 1, 2013**).
  10. Attempt to commit any of the sex offenses above.



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## AUTHORITY:

CD-040900

## PROCEDURE:

- A. Reception Diagnostic Center (RDC) Records Staff will ensure that NCIC is checked for past sex offenses (to be entered into the Non-Referred Offenses in CMIS) and also entered into Cautions on CMIS:
  - Cautions Descriptions (i.e. Sex Offense/Sex Offender), and
  - Caution Source (i.e. NCIC, J & S etc).
- B. The inmate's Classification Officer shall notify the Records Coordinator thirty (30) days before the scheduled release date of any sex offender who is scheduled for release.
- C. The Classification Officer shall provide written notification to the sex offender of his or her duty to register with the County Sheriff upon release. The information that must be provided by the department is contained in the **Notice to Register** attachment (*CD-040901.A*), and the department must provide a copy of the **Notice to Register** attachment (*CD-040901.A*) to all sex offenders being released from the custody of the institution. In addition, a copy of the **Judgment and Sentence (J & S)**, the inmate **Escape Flyer**, and a copy of the **Detainer** (if inmate is to be released to detainer) must be submitted along with the **Notice to Register** attachment (*CD-040901.A*) to the Department of Public Safety and to the Sheriff's Department in the county which the sex offender plans to reside after release and to the OMS Bureau at Central Office.
- D. The Classification Officer must have the offender read or have read to him or her, the **Notice to Register** and explain the information contained in the **Notice to Register** as needed. The offender must initial each paragraph where indicated and sign acknowledging his or her understanding of what has been read and/or explained to him or her prior to release. The Classification Officer will then witness by printing his or her name, signature, and date, and then forward the completed and signed **Notice to Register** to the Records Coordinator.
- E. The Records Coordinator shall notify the Department of Public Safety and the sheriff of the county in which the sex offender plans to live after release. The Records Coordinator shall be responsible for ensuring that this information is sent to the County Sheriff two weeks prior to the actual release. The Records Coordinator shall document in the inmate's file that this notification was provided to the Department of Public Safety, the County Sheriff, and the OMS.

- F. The Records Coordinator will make a copy of the **Notice to Register** attachment (*CD-040901.A*) and attach it to the Probation/Parole copy of the Parole Certificate and to the probation notice.
- G. Notification of the duty to register is to be included in the paperwork of sex offenders being accepted for supervision in New Mexico through Interstate Compact prior to their actual transfer.
- H. Probation/Parole Officers shall ensure that probationers/parolees under their supervision who are sex offenders properly register as sex offenders with the appropriate county sheriff. Probation/Parole Officers must provide probationers/parolees under their supervision who are sex offenders with a copy of the **Notice to Register** attachment (*CD-040901.A*).

Probation/Parole Officers must have the offender read or have read to him or her, the **Notice to Register** attachment (*CD-040901.A*) and explain the information contained in the **Notice to Register** attachment (*CD-040901.A*) as needed. The offender must initial each paragraph where indicated and sign acknowledging his or her understanding of what has been read and/or explained to him or her. If a probationer/parolee who is a sex offender refuses or fails to register, the Probation/Parole Officer shall file a violation report and provide registration information to the county sheriff.

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Notice to Register**

Registrant Name: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN#: \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Pursuant to NMSA 29-11A-4, a convicted sex offender is required to register with the Sheriff's Office in the County where he/she will reside. Registration must take place no later than ten (10) days (**5 business days if convicted on or after July 1, 2013**) after being released from the custody of the Corrections Department: or registration must take place no later than ten (10) days (**5 business days if convicted on or after July 1, 2013**) after being placed on probation or parole. I understand that, under Federal law, if I move outside of the state of New Mexico to another state, I must register in the other state within (3) days. Registration requirements are summarized more specifically below.

**Willful or knowing failure to comply or willfully or knowingly providing false information is a Fourth Degree Felony Offense.**

**You will be required to provide the following information to the county sheriff when you register:**

- 1) Legal name and any other names or aliases that you have used.
- 2) Date of birth.
- 3) Social Security number.
- 4) Current address.
- 5) Place of employment.
- 6) The sex offense for which you were convicted.
- 7) The date and place of sex offense conviction.
- 8) Any other pertinent information on the form (sex, race, hair color, eye color, etc.,)
- 9) Judgment and sentence sheet.

**The Sheriff will obtain the following:**

- 1) Fingerprints.
- 2) Photograph.
- 3) Registration Information (State Form)

**As a convicted sex offender, you are required to do the following:**

- 1) You must register with the county sheriff for the county in which you will reside no later than ten days (**5 business days if convicted on or after July 1, 2013**) after being released from the custody of the Corrections Department or being placed on probation or parole. However, if you will not have an established residence in any county, you must register (within the ten-day period) (**5 business days if convicted on or after July 1, 2013**) with the county sheriff for each county in which you will live or be temporarily located. (Offender's Initials) \_\_\_\_\_

**NEW MEXICO CORRECTIONS DEPARTMENT**

**Notice to Register**

**(Continued)**

- 2) You must report subsequent changes of address. Thus, if you change your address within the same county in which you already reside, you must send written notice of your change of address to that county sheriff no later than ten (10) days **(5 business days if convicted on or after July 1, 2013)** after establishing your new residence or address. If you move to another county in New Mexico, you must register with the county sheriff of the new county no later than ten (10) days **(5 business days if convicted on or after July 1, 2013)** after establishing your new residence. You must also send written notice of your change of residence to the county sheriff with whom you last registered no later than ten days after establishing your new residence **(5 business days if convicted on or after July 1, 2013)**. (Offender's Initials) \_\_\_\_\_
- 3) If you intend to move to another state, you must provide written notice to the county sheriff of the county in which you reside no later than thirty (30) days prior to the date of your intended move. Your written notice must also identify the state to which you intend to move. You will also be required to register in the other state if you are allowed to move there, and the Corrections Department will provide you with written information about the registration requirements present in the other state. I understand that, under Federal law, if I move outside the state of New Mexico to another state, I must register in the other state within (3) days. (Offender's Initials) \_\_\_\_\_
- 4) You must disclose your status as a sex offender in writing no later than ten (10) days after you begin employment, begin a vocation or enroll as a student at a New Mexico institution of higher education (a private or public post-secondary educational institution, trade school or professional school) to the county sheriff for the county in which the institution of higher education is located, to the law enforcement entity (responsible for the institution of higher education), and to the registrar for the institution of higher education. (Offender's Initials) \_\_\_\_\_
- 5) You must provide written notice of any change regarding your employment, vocation, or enrollment status at an institution of higher learning to the county sheriff, the relevant law enforcement entity, and registrar. You must provide this written notification no later than ten (10) days after the change. (Offender's Initials) \_\_\_\_\_
- 6) You must disclose your status as a sex offender in writing when you enroll as a student at a private or public school in New Mexico to the county sheriff in the county in which the school is located and to the school's principal. You must provide this written notification no later than ten (10) days after enrolling at the school. (Offender's Initials) \_\_\_\_\_
- 7) You must provide written notice of any change regarding your enrollment status at a public or private school in New Mexico to the county sheriff and to the school's principal. You must provide this written notification no later than ten (10) days after the change. (Offender's Initials) \_\_\_\_\_
- 8) You must immediately disclose your status as a sex offender in writing to your employer, supervisor or other person similarly situated whenever you begin employment, begin a vocation, or volunteer your services, regardless of whether you receive payment or other compensation for your services. (Offender's Initials) \_\_\_\_\_
- 9) Sex offenders convicted of certain crimes are required to register every ninety (90) days after their initial registration for the remainder of their natural lives. Sex offenders convicted of certain other crimes are required to register annually or semi-annually for a period of ten (10) years. It is YOUR responsibility to communicate with the county sheriff where you reside and to determine how often and how long you are required to register as a sex offender. (Offender's Initials)

**NEW MEXICO CORRECTIONS DEPARTMENT**

**Notice to Register**

**(Continued)**

I HEREBY ACKNOWLEDGE THAT I HAVE BEEN GIVEN AND HAVE READ A COPY OF THIS NOTICE TO REGISTER FORM. I ALSO ACKNOWLEDGE THAT A CORRECTIONS DEPARTMENT OFFICIAL OR EMPLOYEE HAS REVIEWED AND EXPLAINED THE REGISTRATION REQUIREMENT LISTED IN THIS FORM TO ME.

*Registrant:* \_\_\_\_\_ / \_\_\_\_\_  
Print/Sign

*Date:* \_\_\_\_\_

*Witness:* \_\_\_\_\_ / \_\_\_\_\_  
Print/Sign

*Date:* \_\_\_\_\_

**(For probation and Parole Use)**

Probation Officer: \_\_\_\_\_ Location: \_\_\_\_\_

The named sex offender is required to register with the Sheriff's Office within ten (10) days. County: \_\_\_\_\_

**(For Court Use)**

Form presented by: \_\_\_\_\_ Judicial District: \_\_\_\_\_

The named sex offender is required to register with the Sheriff's Office within ten (10) days. County: \_\_\_\_\_