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HOUSE BILL 83

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Gail Chasey

AN ACT

RELATING TO SEX OFFENDERS; ADDING A MEMBER TO THE SEX OFFENDER
MANAGEMENT BOARD; REDUCING THE NUMBER OF MEETINGS; PROVIDING
FOR REVIEW OF STATUTES AND LEGISLATIVE RECOMMENDATIONS RELATING
TO SEX OFFENDER MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 9-3-13 NMSA 1978 (being Laws 2003 (1st
S.S.), Chapter 1, Section 1, as amended) is amended to read:

"9-3-13. SEX OFFENDER MANAGEMENT BOARD--CREATION--
MEMBERSHIP--DUTIES.--

A. There is created within the New Mexico
sentencing commission the "sex offender management board".
Members of the sex offender management board who are not
members of the New Mexico sentencing commission, whose
membership is set forth in Section 9-3-10 NMSA 1978, shall not

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1 be voting members of the New Mexico sentencing commission.

2 B. The sex offender management board shall be
3 composed of the following members:

- 4 (1) the attorney general or designee;
- 5 (2) a district attorney appointed by the
6 district attorneys association of New Mexico;
- 7 (3) the chief public defender or designee;
- 8 (4) a district court judge appointed by the
9 district court judge's association of New Mexico;
- 10 (5) the secretary of corrections or designee;
- 11 (6) the secretary of health or designee;
- 12 (7) the secretary of children, youth and
13 families or designee;
- 14 (8) the secretary of public safety or
15 designee;
- 16 (9) the secretary of public education or
17 designee;
- 18 (10) the secretary of Indian affairs or
19 designee;
- 20 (11) one public member appointed by the
21 governor who is a board member of a New Mexico victims
22 organization;
- 23 (12) two representatives appointed by the
24 governor who are mental health professionals licensed to
25 practice in New Mexico. One of the mental health professionals

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1 shall be a member of the association for the treatment of
2 sexual abusers and one shall be a juvenile sex offender
3 treatment specialist;

4 (13) a representative appointed by the
5 governor from the adult probation and parole division of the
6 corrections department who has expertise in the supervision of
7 sex offenders;

8 (14) a representative appointed by the
9 governor from the law enforcement community who has expertise
10 regarding sex offender community notification, registration,
11 tracking and monitoring;

12 (15) a representative appointed by the
13 governor who is affiliated with a civil liberties organization;
14 [~~and~~]

15 (16) a representative appointed by the
16 governor who is affiliated with a faith-based organization; and

17 (17) a representative appointed by the
18 governor who is affiliated with an organization that advocates
19 on behalf of registered sex offenders and their families.

20 C. The sex offender management board shall report
21 its findings and recommendations to the New Mexico sentencing
22 commission on a quarterly basis. The New Mexico sentencing
23 commission shall vote to approve, disapprove or revise the
24 recommendations of the board.

25 D. The sex offender management board shall:

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1 (1) hold meetings at times and for periods as
2 the board deems necessary to accomplish its objectives, but
3 shall meet at least [~~eight~~] four times a year;

4 (2) develop and prescribe a standard procedure
5 for the identification and evaluation of convicted sex
6 offenders. The procedure shall include behavior management,
7 monitoring, treatment and program compliance for sex offenders.
8 The board shall develop and recommend measures of success;

9 (3) develop and recommend guidelines and
10 standards for the treatment of sex offenders that can be
11 utilized by offenders who are placed on probation, incarcerated
12 with the corrections department, placed on parole or placed in
13 a community corrections program. The guidelines and standards
14 shall include a monitoring process and a plan for developing
15 treatment programs for sex offenders, including determining the
16 duration, terms and conditions of probation and parole for sex
17 offenders;

18 (4) create a risk assessment screening tool
19 and program to assist sentencing of sex offenders, including
20 determining the duration, terms and conditions of probation and
21 parole for sex offenders;

22 (5) develop guidelines and standards for
23 monitoring sex offenders who are undergoing evaluation or
24 treatment, including behavioral monitoring;

25 (6) develop criteria for measuring a sex

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1 offender's progress in treatment programs. The parole board
2 shall use the criteria approved by the New Mexico sentencing
3 commission to determine whether a sex offender may
4 appropriately be discharged from parole;

5 (7) develop a standardized procedure for the
6 identification and evaluation of juvenile sex offenders. The
7 procedure shall include behavior management, monitoring,
8 treatment and program compliance for juvenile sex offenders.
9 The board shall develop and implement measures of success;

10 (8) develop and recommend guidelines and
11 standards for the treatment of juvenile sex offenders who are
12 placed on probation, committed to a state agency, placed on
13 parole or placed in a community corrections program;

14 (9) research and analyze safety issues raised
15 when sex offenders live in a community and recommend
16 legislative changes, if needed;

17 (10) study and consider the viability and
18 legality of a civil commitment program for sex offenders;

19 (11) research and determine the feasibility
20 and legality of implementing indeterminate sentencing for sex
21 offenders;

22 (12) study the use of clinical polygraph
23 testing as a means to evaluate sex offenders;

24 (13) evaluate sex offender treatment programs
25 administered by state agencies and recommend changes, if

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1 needed, in those treatment programs; and
2 (14) review the provisions of the Sex Offender
3 Notification and Registration Act and other statutory
4 provisions relating to the management, treatment or punishment
5 of sex offenders and recommend legislative changes, if needed
6 [~~to that act~~].

7 E. The members of the sex offender management board
8 shall be paid pursuant to the Per Diem and Mileage Act and
9 shall receive no other perquisite, compensation or allowance."

10 SECTION 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2011.