



## **Important information for attorneys and registrants regarding New Mexico's SORNA**

Section 29-11A-4 NMSA establishes a county sheriff's responsibilities and enumerates the information the sheriffs are authorized to compile. Each registrant is required to furnish the following:

- legal name and any other names or aliases that the registrant is using or has used;
- date of birth;
- social security number;
- current physical and mailing address and every place where the registrant "habitually" lives;
- place of employment;
- the sex offense for which the registrant was convicted;
- names, email addresses, and monikers used on social networking sites;<sup>1</sup>
- landline and cellular telephone numbers;<sup>1</sup>
- copies of the registrant's professional licenses;<sup>1</sup>
- license plate number or other identifier and the description of any vehicle owned or "primarily" operated by the registrant;<sup>1</sup> and
- copies of the registrant's passport and immigration documents.<sup>1</sup>

In addition to the foregoing list, New Mexico's SORNA requires the county sheriff to photograph the registrant, take fingerprints, record the description of any scars or tattoos, and collect a DNA sample. Other than periodic, in-person renewals, which are either annually, semi-annually, or quarterly, New Mexico's SORNA contains no additional requirements of the registrant and certainly does not require that registrants permit law enforcement to enter their homes. Although entry into one's home is not required by SORNA, the New Mexico Department of Corrections Probation/Parole Division and the U.S. Probation Service have agreements with various law enforcement agencies to assist them with monitoring sex offenders under their control. As a result of these agreements, officers from other agencies frequently do enter registrant's homes with PPOs when they are checking on registrants under supervision.

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The frequency of the renewal is determined by the sex offense and the date the person completed all court-imposed obligations.<sup>2</sup> A registrant cannot lawfully be required to do anything further by a sheriff or to respond to fliers or home visits. In addition, a sheriff does not have authority to collect anything not explicitly authorized by New Mexico's SORNA. See section 29-11A-9 as amended in 2013.

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.

### **Law Enforcement's Inventions**

Notwithstanding the statutory language, some sheriffs demand that a registrant provide additional information not contained in the statute. Here are a few examples:

- names of any and all persons living at the residence including any minors;
- list of any medications the registrant takes;
- highest level of education achieved;
- nearest relative, (obviously this is to assist in locating an absconder);
- photograph of all vehicles operated by the registrant;
- travel itinerary for any out-of-state travel of 7 days or more; and
- weekly, in-person reporting if the registrant should become homeless.

### **Unlawful Home Intrusions**

In addition to imposing requirements not contained in New Mexico's SORNA, some sheriffs or other law enforcement officials are demanding access to registrants' homes. If you are not under supervision, law enforcement is without any legal authority to enter your home without a warrant or your permission. If you are the victim of such an intrusion, please document: (1) the names of any officers and/or the agency they represent; and (2) as much as possible of what they tell you including any threats made. After the intrusion ends, please contact Rick Dean at 505 832-4291.

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<sup>1</sup> Amendments by the 2013 legislature apply to convictions occurring on or after July 1, 2013.

<sup>2</sup> Court imposed obligations include probation, parole or incarceration requirements.