

May 8, 2015 SOMB MINUTES

PERA Building  
 5<sup>th</sup> Floor, CYFD Conference Room  
 1120 Paseo De Peralta  
 Santa Fe, NM

SOMB Members Present	SOMB Members Absent	Others	Staff
Tony Ortiz, Acting Chair	Honorable Abigail Aragon	Glenn Metzger, Bernalillo County Sheriff's Office	Amir Chapel
Regina Chacon, (for Secretary Greg Fouratt, DPS)	Secretary Retta Ward, DOH	Rick Dean	
Kim Chavez-Cook (for Chief Public Defender Jorge Alvarado)	Rick Tedrow, rep. the District Attorneys		
Maria Sanchez-Gagne (for Attorney General Hector Balderas)	Secretary Gregg Marcantel, NMCD		
Dr. Troy Rogers (on phone)	Secretary Hanna Skandera, PED		
	Secretary Kelly Zunie, IA		
	Secretary Monique Jacobson, CYFD		
	Donna Richmond		
	Chaplain Jose Villegas		
	Daniel Barela, Adult Probation and Parole		
	Marron Lee, NMSC Chair		

**Welcome.** Tony Ortiz, Acting Chair, called the meeting to order at 1:30 p.m. He welcomed SOMB members and guests.

**Approval of minutes.** The minutes for the October 23, 2014 meeting were approved by consensus.

**Staff report.** Staff noted that there are new members of the Sex Offender Management Board (SOMB): Attorney General Hector Balderas; Indian Affairs Secretary Kelly Zunie; Department of Health Secretary Retta Ward; and Children, Youth and Families Secretary Monique Jacobson. Staff has contacted the new members and provided them with information regarding the Sex Offender Management Board.

Also, SOMB staff has advised the Governor's Office regarding vacancies on the SOMB, including: a juvenile sex offender treatment specialist; a representative from the adult probation and parole division who has expertise in the supervision of sex offenders; a representative from the law enforcement community who has expertise regarding sex

offender community notification, registration, tracking and monitoring; and a representative who is affiliated with a civil liberties organization.

**Summary of 2015 legislative session.** SOMB members discussed the following sex-offender related legislation, introduced during the 2015 legislative session:

**-HB 101, as amended**, revising elements for the criminal offense of sexual exploitation of children by prostitution. **(Laws 2015, Chapter 13);**

**-Committee Substitute for HB 123**, allowing for the issuance of an extended order of protection upon a conviction for criminal sexual penetration. The bill would permit the protected party to be represented in court by counsel without having to appear in person. **(Passed the House 66-0. Assigned to the Senate Judiciary Committee when the legislature adjourned.)**

**-HB 132, as amended**, expanding the definition of voyeurism to include attempting to view another person. **(Passed the House 59-5. Assigned to the Senate Public Affairs Committee when the legislature adjourned.)**

**-Committee Substitute for HB 133**, revising elements for the offenses of criminal sexual penetration, criminal sexual contact of a minor and aggravated indecent exposure. **(Passed the House 65-0. Assigned to the Senate Public Affairs Committee when the legislature adjourned.)**

**-Committee Substitute for HB 142, as amended**, creating a new criminal offense known as unauthorized distribution of sensitive images. **(Laws 2015, Chapter 42)**

**-HB 270, as amended**, expanding the list of offenses set forth in the Sex Offender Registration and Notification Act (SORNA) for which a person has to register as a sex offender. **(Passed the House 66-0. Assigned to the Senate Public Affairs Committee when the legislature adjourned.)**

**-House Floor Substitute for HB 387, as amended**, providing for termination or suspension of parental rights when criminal sexual penetration results in the conception of a child. **(Passed the House 65-0. Assigned to the Senate Judiciary Committee when the legislature adjourned.)**

**-House Bill 393, as amended**, revising the elements, including elements regarding sexual offenses, and penalties for the offense of kidnapping. **(Assigned to the House Judiciary Committee when the legislature adjourned.)**

**-Committee Substitute for HB's 440 & 251, as amended**, providing that, for the offense of criminal exploitation of children, each separate depiction of a child engaged in a prohibited sexual act shall be considered a distinct act and shall be charged as an individual criminal offense. **(Passed the House 64-0. Assigned to the Senate Public Affairs Committee when the legislature adjourned.)**

**-HB 453**, expanding the list of predicate offenses, including certain sex offenses, for the "3-strikes" statute. **(Assigned to the House Safety and Civil Affairs Committee when the legislature adjourned.)**

**-HB 508, as amended**, increasing penalties for the following offenses: sexual exploitation of children by prostitution, patronizing prostitutes, promoting prostitution, accepting the earnings of a prostitute and human trafficking. **(Assigned to the House Judiciary Committee when the legislature adjourned.)**

**-HB 528**, providing additional rights for victims of sexual crimes. **(Assigned to the House Judiciary Committee when the legislature adjourned.)**

**-Committee Substitute for SB 134**, allowing for the issuance of an extended order of protection upon a conviction for criminal sexual penetration. The bill would permit the protected party to be represented in court by counsel without having to appear in person. **(Passed the Senate 39-0. Assigned to the House Safety and Civil Affairs Committee when the legislature adjourned.)**

**-Senate Bill 151, as amended**, revising terms and conditions of parole for sex offenders. **(Assigned to the Senate when the legislature adjourned.)**

**-Senate Bill 380**, creating the internet crimes against children fund. The bill establishes a fee upon initial registration for sex offenders and provides that the fee be deposited in the internet crimes against children fund. **(Assigned to the Senate Finance Committee when the legislature adjourned.)**

**-Senate Bill 634**, eliminating certain mandatory minimum sentences, including mandatory minimum sentences for criminal sexual penetration and criminal sexual contact of a minor, and mandatory life imprisonment for two violent sexual offense convictions. **(Assigned to the Senate Judiciary Committee when the legislature adjourned.)**

**-Committee Substitute for Senate Bill 645**, providing additional rights for victims of sexual crimes. **(Passed the Senate 31-0. Assigned to the House Judiciary Committee when the legislature adjourned.)**

**Scope of work for the 2015 interim.** SOMB members developed a scope of work for the 2015 interim:

- roles and responsibilities of county sheriffs and the Department of Public Safety concerning registration of sex offenders;
- issues that arise when sex offenders fail to register;
- discuss issues raised by the NM Supreme Court in *State v. Ollson*, regarding units of prosecution in child pornography possession cases;
- re-visit the provisions of SB 151 (2015), regarding terms and conditions of parole for sex offenders;
- request a briefing from the New Mexico Corrections Department (NMCD) regarding inclusion of standards in contracts between the NMCD and individuals who provide treatment to adult sex offenders; and
- request a briefing from officials at the Otero county prison facility, which houses the majority of convicted sex offenders committed to the NMCD.

**Public comment.** There was no public comment.

**Next meeting.** The next SOMB meeting will be held on August 12, 2015, at 1.30 p.m.

**Adjourn.** The meeting adjourned at 2.35 p.m.

