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State of New Mexico

OFFICE OF
SECRETARY OF STATE

Susana Martinez
Governor

April 7, 2011

HOUSE EXECUTIVE MESSAGE NO. 26

The Honorable Ben Luján and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501


Honorable Speaker Luján and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and am returning HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL 298, as amended, enacted by the Fiftieth Legislature, First Session, 2011.

While this bill purports to strengthen New Mexico's sex offender registration status, it ultimately limits protection of children and victims of sexual assault and prevents the state from achieving complete compliance with the federal Adam Walsh Act.

First, **current** law requires a sex offender's employment information to be posted on a public database when an offender's job requires **direct** contact with children. House Bill 298 would weaken this provision by directing the offender to register this information only in the event that his or her employment would require **unsupervised** contact with children under sixteen years of age. Existing law does not condition the public's right to know where an offender is working based on the age of children he or she is interacting with or the degree of contact the offender is having with these children. I agree with **existing law**.

Second, current law requires an individual convicted of criminal sexual contact with an adult in the fourth degree to register with the proper authorities for the remainder of an offender's life. However, House Bill 298 would decrease this registration period from life to ten years, making the penalties more lenient, instead of tougher, on these offenders.

Third, a direct consequence of failing to enact stricter laws related to sex offender registration is that New Mexico remains out of compliance with the Adam Walsh Act. As long as this continues, the state risks losing its portion of federal Edward Byrne 

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Memorial Justice Assistance Grant money that is dedicated to supporting New Mexico law enforcement.

We note this bill garnered support from sex offenders and others who will directly benefit from House Bill 298's compromised registration requirements.

The Department of Public Safety's version of this bill was sponsored by State Representative Yvette Herrell and would have brought us into compliance with federal law. It is disappointing that instead of supporting the Department's legislation, lawmakers chose instead to advance this measure with its weakened provisions.

I have expressed my concerns about this piece of legislation to Attorney General Gary King. Mr. King shares these concerns and we are committed to working together to address them in the next legislative session.

Respectfully yours,



Susana Martinez
Governor

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Time: 9:26 a.m. p.m.
Date: April 7 2011

By Patricia L. Romero
Secretary of State

Time: _____ a.m. p.m.
Date: _____ 2011

By _____
Chief Clerk of the House