

14-992. Failure to register as a sex offender; 2005, 2007, and 2013 versions of SORNA; essential elements.¹

For you to find the defendant guilty of failure to register as a sex offender [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant was convicted of [_____]³;
2. The defendant was [residing] [employed] [attending school] [temporarily located]⁴ in New Mexico between _____, _____ and _____,⁵;
3. The defendant [triggering event] on [date]⁶;
4. The defendant did not register with the county sheriff prior to _____,⁷
5. The defendant willfully or knowingly failed to register; and
6. This happened in New Mexico between _____, _____ and _____, _____.

USE NOTES

1. For use for offenders required to register under the 2005, 2007, and 2013 versions of SORNA. Threshold questions of law must be determined before the jury may be instructed. The chart included as UJI 14-990 NMRA is a tool to aid in determining which version of the statute, and thus which UJI, applies.

2. Insert the count number if more than one count is charged.

3. If there is a stipulation that the offense was a registerable offense under SORNA, insert “a sex offense on _____ (*date*).” If there is no stipulation, insert the name of the prior offense and date of conviction.

4. Use applicable alternative or alternatives.

5. Enter relevant date(s). Once the applicable statute is identified, calculating the dates triggering registration obligations vary, so that the date of an actual registration requirement involves a threshold legal determination based on the completion of sentence or release from physical custody.

6. Describe event triggering registration or notice requirement (Ex: changing residence); and include date triggering registration or notice requirement. See Use Notes 1, 5; UJI 14-990 (Chart).

7. Enter date defendant registration is alleged to have been required. See Use Notes 1, 5; UJI 14-990 (Chart).

[Adopted by Supreme Court Order No. 16-8300-008, effective for all cases pending or filed on or after December 31, 2016.]