

LFC Requester:	Eric Chenier
-----------------------	---------------------

**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date 01/23/2013

Bill No: HB196--305

Sponsor: Rep. Tim D. Lewis

Reviewing Attorney General's Office

Short INCREASED

fsdfs **Analysis:** Trevor A. Rigler, AAG

Title: PROSTITUTION PENALTIES

Phone: 5052229013 **Email** trigler@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

HB 196, if enacted into law, would increase penalties for the existing offenses of patronizing a prostitute (§30-9-3 NMSA), promoting prostitution (§30-9-4 NMSA), and accepting earnings of a prostitute (§30-9-4.1 NMSA). Specifically, a first offense of patronizing a prostitute is increased from a petty misdemeanor to a full misdemeanor. A subsequent offense of patronizing a prostitute is increased from a full misdemeanor to a fourth degree felony. A first offense of promoting prostitution or accepting earnings of a prostitute is increased from a fourth degree felony to a third degree felony. The bill also creates a second degree felony subsequent offense of promoting prostitution or accepting earnings of a prostitute. The bill would also provide some grammatical cleanup.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

The bill merely enhances penalties for existing laws regarding prostitution, which could have a fiscal impact related to longer sentences for offenders convicted of relevant statutes.

SIGNIFICANT LEGAL ISSUES

The bill is narrowly-drafted and primarily focuses on increasing penalties for prostitution offenses. The bill creates no new crimes. The bill cleans up some vague language regarding what could constitute promoting prostitution. As such, the bill should withstand challenge.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

HB 121 – “HUMAN TRAFFICKING PENALTIES ” (Tim D. Lewis), which would increase penalties for human trafficking offenses, which are frequently related to prostitution.

TECHNICAL ISSUES OR DRAFTING ERROR

None

OTHER SUBSTANTIVE LEGAL ISSUES

None

ALTERNATIVES TO ENACTING THIS BILL

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None