

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2015 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 **Amendment**
Correction **Substitute**

Date January 22, 2015
Bill No: HB 125

Sponsor: Kelly K. Fajardo
Short Title: COMMUNICATION OF CERTAIN IMAGES TO

Agency Code: Attorney General's Office / 305
Person Writing: Margaret McLean
Phone: 827-6929 **Email:** mmclean@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis:

HB 125 makes one simple but critical change to Section 30-37-3.3, Criminal Sexual Communication with a Child: the word “the” to the word “any” when describing the direct communication with a specific child under the age of sixteen years of age by sending obscene images of intimate parts.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The current statute limits the crime to the transmission of that person’s intimate parts; intimate parts are defined by the statute. By changing the word “the” to “any”, the proposal expands the crime to include the transmission of any person’s intimate parts by means of an electronic communication device.

“The” is defined: “used as a function word to indicate that a following noun or noun equivalent is definite or has been previously specified by context or by circumstances.” Webster’s New Collegiate Dictionary 1199 (1980).

“Any” is defined: “one or some indiscriminately of whatever kind” or “one or more—used to indicate an undetermined number or amount.” Webster’s New Collegiate Dictionary 51 (1980).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Prosecutions under Section 30-37-3.3 are limited to only the transmission of the perpetrator's intimate parts by means of an electronic communication device. Transmission of any other person's intimate parts is not subject to prosecution.

AMENDMENTS

None.

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