

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 30, 2015
Bill No: HB 270

Sponsor: Rep. Yvette Herrell
Short Sex offender definitions
Title: _____

Agency Code: Attorney General's Office
Person Writing Maria Sanchez-Gagne, AAG
Phone: 505-827-6716 **Email** msanchez@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 270 expands the list of sex offenses in Section 29-11A-3 to include: patronizing prostitutes if the alleged prostitute is under 18; promoting prostitution if the victim is under 18; accepting earnings of a prostitute under 18; voyeurism; human trafficking for a sexual purpose when the victim is under 16; and conspiracy to commit any of the listed sex offenses.
- Requires DPS to retain the registration information for the entirety of the sex offender’s natural life if convicted of patronizing prostitutes if the alleged prostitute is under 18; promoting prostitution if the victim is under 18; accepting earnings of a prostitute under 18; voyeurism; human trafficking for a sexual purpose when the victim is under 16; and conspiracy to commit any of the listed sex offenses.
- Removes the exception for parents when the kidnapping and false imprisonment offense includes intent to inflict a sexual offense in Section 29-11A-5, consistent with definitions of kidnapping and false imprisonment in 29-11A-3.
- Requires a county sheriff to forward registration information to the District Attorney or the chief law enforcement officer for a municipality when a sex offender is convicted of patronizing prostitutes if the alleged prostitute is under 18; promoting prostitution if the victim is under 18; accepting earnings of a prostitute under 18; voyeurism; human trafficking for a sexual purpose when the victim is under 16; and conspiracy to commit any of the listed sex offenses.

FISCAL IMPLICATIONS

N/A

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

HB 270 changes the offenses for which registration is required under the SORNA. It expands the list of offenses to include sexual offenses not currently covered by the SORNA, including sexual offenses involving children. The expanded list of offenses will bring the statute into compliance or substantial compliance which would help ensure state receipt of federal grant funding explicitly tied to compliance with the act.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A