

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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** February 23, 2015  
**Bill No:** HB 508

**Sponsor:** Rep. Stephanie Maez  
**Short Title:** Increase commercial sex crime penalties

**Agency Code:** Attorney General's Office  
**Person Writing:** Maria Sanchez-Gagne, AAG  
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**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)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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 508 increases penalties for sexual exploitation by prostitution, patronizing prostitutes, promoting prostitution, accepting the earnings of a prostitute and human trafficking for victims under 16 to a first degree felony. Section 30-6A-4 proposes to raise the felony penalty from a second degree penalty to a first degree felony for those convicted of knowingly receiving any pecuniary profit as a result of a child under the age of 16 engaging in a prohibited sexual act with another. Also raises the penalty from a second degree felony to a first degree felony for anyone hiring or offering to hire a child over the age of thirteen and under the age of sixteen. Section 30-9-3 increases the penalty from a petty misdemeanor to a full misdemeanor for those convicted of patronizing prostitutes and raises the penalty for conviction of a second offense to a fourth degree felony from a misdemeanor. Section 30-9-4 raises the penalty for promoting prostitution from a fourth degree felony to a third degree felony. Section 30-9-4.1 raises the penalty for accepting the earnings of a prostitute from a fourth degree felony to a third degree felony. 30-52-1 raises the penalty from a third degree felony to a second degree felony for trafficking persons and raises the penalty to a first degree felony from a second degree felony for trafficking persons under 16 years old.

**FISCAL IMPLICATIONS**

None

**SIGNIFICANT ISSUES**

May conflict with other statutory penalties regarding sexual offenses against minors such as CSP of a minor and CSC of a minor where first degree penalties are mandated when victims are children under 13 years old.

**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