

LFC Requester:	
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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 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)

	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 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

N/A

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.

The Attorney General’s Office has prosecuted (19) cases related to human trafficking that include the charges of promoting prostitution and accepting the earnings of a prostitute. (3) of those cases have involved minor victims.

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