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FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/14

SPONSOR Perea LAST UPDATED _____ HB 174

SHORT TITLE Child Enticement Criminal Penalties SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown	Unknown	Unknown	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Children, Youth and Families Department (CYFD)
 Department of Public Safety (DPS)
 New Mexico Corrections Department (NMCD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 174 amends current law at Section 30-9-1 NMSA 1978 relating to Criminal Offenses, and specifically sexual offenses and the enticement of a child. The bill would change the penalty for a conviction of child enticement from a misdemeanor to a 4th degree felony if the child is at least 13 but under 16 years of age, or a 3rd degree felony if the child is under age 13.

The bill would also make some technical changes, with an effective date of July 1, 2014.

FISCAL IMPLICATIONS

It is difficult to accurately estimate the effect of any bill that increases the penalty for a crime, especially when criminal penalty is being increased from a misdemeanor to a felony.

House Bill 174 – Page 2

NMCD notes that because the crime of enticement of a child is currently a misdemeanor, and does not normally incarcerate misdemeanor offenders, NMCD does not have reliable statistics regarding the number of offenders in its custody convicted of child enticement.

NMCD estimates that there is likely to be only a minimal number of additional convictions resulting from this bill.

PDD reports that in fiscal year 2013, it only handled 3 cases in which this crime was charged. The PDD notes that although the total number of cases is small, any time penalties are increased from misdemeanors to felonies, there is likely to be an increase in trials which will impact the PDD, District Attorneys and District Courts statewide.

CJ/jl