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FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/13

SPONSOR Lewis LAST UPDATED _____ HB 196/aHCPAC

SHORT TITLE Increased Prostitution Penalties SB _____

ANALYST Chabot

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 121, Human Trafficking Penalties

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Department of Public Safety (DPS)
 New Mexico Corrections Department (NMCD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment to House Bill 196 leaves patronizing prostitutes as a petty misdemeanor for the first conviction and a misdemeanor for subsequent convictions.

Synopsis of Original Bill

House Bill 196 increases penalties for existing offense of patronizing a prostitute from a petty misdemeanor to a full misdemeanor for the first offense and to a fourth degree felony for subsequent offenses; promoting prostitution from a fourth degree felony to a third degree felony; and accepting earnings of a prostitute from a fourth degree felony to a third degree felony and to a second degree felony for subsequent offenses.

TECHNICAL ISSUES

The HCPAC amendment of HB 196 would live p.2 line 12 without a period at the end of the line.

FISCAL IMPLICATIONS

NMCD states only a small number of individuals would be convicted of these increased penalty crimes and would have minimal impact on the agency. However, it may impact the Probation Division if law enforcement runs operations targeting this population resulting in more felony convictions.

SIGNIFICANT ISSUES

The AG provides, in an analysis that is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter, that the bill is narrowly-drafted and primarily focuses on increasing penalties for prostitution and creates no new crimes. It also cleans up some vague language regarding promoting prostitution.

PDD states repeated offenses involving prostitution can already result in increased penalties under the Habitual Offender Statute (Section 31-18-17 NMSA 1978). HB 196 would likely displace the Habitual Offender Statute’s enhancements of sentencing. It also states workload could be impacted if the number of defendants choosing to go to trial increases.

GAC/bm