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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/13

SPONSOR Rodella LAST UPDATED _____ HB 346

SHORT TITLE Raise Sexual Exploitation Age to 18 SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$31.7 - \$317.0	\$31.7 - \$317.0	\$62.4 - \$624.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Attorney General's Office (AGO)
 New Mexico Corrections Department (NMCD)
 Children, Youth, and Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Bill 346 (HB 346) amends the crimes of Sexual Exploitation of Children by prostitution and of Enticement of a Child to raise the age of the victim from under sixteen to under eighteen years old. The criminal sanctions remain the same under the bill, as only the age of the victim is increased by two years.

FISCAL IMPLICATIONS

The estimated fiscal impact shown in the table above is a range based on the cost of incarceration of one to 10 individuals per year.

SIGNIFICANT ISSUES

Approximately 2.8 million children in the U.S. run away or are forced from home annually. An estimated 38,600 (2.2 %) of these youth were sexually assaulted, were in the company of

someone known to be sexually abusive, or were engaged in sexual activity in exchange for money, drugs, food or shelter (Sex Trafficking of Children in the United States; Overview and Issue for Congress, Congressional Research Services.) Within 48 hours of hitting the streets, one-third of these children are lured or recruited into the underground world of prostitution and pornography (*The National Center for Missing and Exploited Children*).

HB 346 will close the loophole that currently exists for children between the ages of 16-18 to be exploited. HB 346 will meet the standards of the federal Trafficking Victims Protection Act of 2000, which is undergoing reauthorization in the U.S. Congress. Under the federal Trafficking Victims Protection Act, any commercial sex act performed by a person under age 18 is considered human trafficking, regardless of whether force, fraud, or coercion is involved.

Human trafficking is the fastest growing criminal industry in the world. Traffickers use force, fraud or coercion to exploit victims for commercial sex or labor purposes. More than 18,000 victims are trafficked into the U.S. annually and more than half of those victims are children. Force, fraud, or coercion is not required in the case of a minor engaged in sexual exploitation. Victims of sex trafficking may be found in massage parlors, brothels, strip clubs and escort services. Human trafficking is everywhere among us and is sometimes in plain sight (http://www.nmag.gov/the_office/border-violence-division/human-trafficking). The average age of entry for children victimized by the sex trade industry in the U.S. is 12 years. Approximately 80% of human trafficking victims are women and girls and up to 50% are minors. (*U.S. Department of Justice*).

The NMCD states:

It seems likely that only a small number of additional individuals would be convicted of these two crimes as a result of increasing the victim's age by two years. The additional felony convictions resulting from passage of HB 346 would increase the Department's costs by leading to, at most, only a minimal increase to the inmate population and probation/parole caseloads. HB 346 seems unlikely to lead to a substantial number of new convictions, or to result in a substantial increase in the Department's inmate population or probation/parole caseloads. However, it is always difficult to predict or estimate the ultimate effect of any expanded crime bill with any certainty.

NCJ/svb