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FISCAL IMPACT REPORT

ORIGINAL DATE 01/24/13

SPONSOR Lewis LAST UPDATED _____ HB 121

SHORT TITLE Human Trafficking Penalties SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
 Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 121 increases the penalty for human trafficking, Section 30-52-1 NMSA 1978, when the victim is under the age of 16 from a 2nd degree felony (basic sentence of 9 years) to a 1st degree felony (basic sentence of 18 years). It increases the penalty for all victims 17 and older from a 3rd degree felony (basic sentence of 3 years) to a 2nd degree felony (basic sentence of 9 years).

FISCAL IMPLICATIONS

The PDD and AODA have stated that there is a possibility that the increase in penalty will result in more defendants choosing to go to trial rather than accept a plea bargain.

This bill will likely not impact fiscally NMCD during the relevant three year period as current law provides for a three to 9 year sentences for human trafficking offences.

SIGNIFICANT ISSUES

The NMCD currently has six inmates in its custody serving prison time on a conviction for human trafficking. It should be noted that these inmates already in NMCD's custody and those defendants currently awaiting a trial or disposition in criminal court will not be impacted by the increased penalties in this bill. The bill's fiscal impact past the current relevant three year fiscal period would likely be minimal. If the historical number of six were to continue, the annual cost to NMCD for those offenders would average \$209,268.

NCJ/svb