

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/19/13

SPONSOR Torraco LAST UPDATED _____ HB _____

SHORT TITLE Penalties for Crimes Against Children SB 461

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)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 457 amends the Criminal Code to increase the penalties for crimes committed against children. The bill:

- Increases the penalty for a first offense for intentional child abuse that does not result in death or great bodily harm from a third to a second degree felony; and increases the penalty for a subsequent offense from a second to a first degree felony;
- Increases the penalty of intentional child abuse of a child of any age which results in death to a first degree felony resulting in the death of a child;
- Expands the definition of criminal sexual penetration to include penetration perpetrated on a child “thirteen to eighteen years of age when the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit”
- Removes the requirement that criminal sexual contact of child thirteen to eighteen years of age when force or coercion is used must result in personal injury to the child;
- Reduces the age limitation on criminal sexual contact of a minor in the fourth degree from eighteen to sixteen and removes the requirement that the perpetrator must be associated with a school and that force or coercion must be used. It requires the

perpetrator to be at least 18 years of age, four years older than the child, and not the spouse of the child ;

- Requires the perpetrator of aggravated indecent exposure to be at least eighteen years of age, four years older than the child, and not the spouse of the child;
- Increases the penalty of aggravated indecent exposure for a child under 18 to a third degree felony;

The bill also amends the Motor Vehicle Code (66-8-101) and:

- Makes vehicular homicide or great bodily injury by DWI, reckless driving or resisting an officer, to a child under thirteen a second degree felony;

FISCAL IMPLICATIONS

The fiscal impact in the table above is a range based on from one to 10 individuals incarcerated per year as the result of the passage of this legislation.

OTHER SUBSTANTIVE ISSUES

The AODA has stated that criminal sexual contact of a minor in the 4th degree is the only area where the child's age is reduced is. Because all other categories of crimes against children split the ages into two sub-groups, birth to under 13 and 13 to 18, this is inconsistent.

NCJ/blm