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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 03/07/17

**SPONSOR** Herrell **LAST UPDATED** \_\_\_\_\_ **HB** 443

**SHORT TITLE** Sex Offender Definitions & Offenses **SB** \_\_\_\_\_

**ANALYST** Sánchez

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
	\$107.0	\$107.0	Recurring	Federal Funds

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$107.0	\$107.0	\$214.0	Recurring	Federal Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

House Bill 443 proposes changes to the Sex Offender Registration and Notification Act. The bill expands the definition of a sex offense to include

- Patronizing prostitutes when the person is less than 16 years of age;
- Promoting prostitution when the victim is less than 18 years of age;
- Accepting earnings of a prostitute if the person engaged in prostitution is less than 18 years of age;
- Voyeurism if the victim is less than 16 years of age;
- Human trafficking when the victim is less than 16 years of age; and

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- Conspiracy to commit sexual offenses in Subsection I of Section 29-11A-3 NMSA 1978.

The bill requires the Department of Public Safety (DPS) to add the offenses listed above to the registration information it retains for the natural life of a sex offender. The bill also strikes “the victim is less than eighteen years of age and the offender is not a parent of the victim” and inserts in its place “committed with the intent to commit a sex offense”.

The bill changes the retention of registration information on false imprisonment from “if the victim is less than 18 years of age and the offender is not a parent” to false imprisonment “committed with the intent to commit a sex offense”.

Lastly, the bill requires all the new offenses to be added to the department’s website on sex offenders.

### **FISCAL IMPLICATIONS**

The Department of Public Safety (DPS) believes the changes in the bill will positively impact the department as it would increase federal grant funds received from the Justice Assistance Grants. Currently, the New Mexico is not complying with the Federal Adam Walsh Amendments of the Child Protection Act. DPS as the state administrating agency for New Mexico currently loses ten percent (10%) of the available Justice Assistance Grant funding. The penalty is applied to the DPS’s allocation, a portion of which is sub-granted to law enforcement task forces around the State and the remainder to the DPS Investigations Bureau’s drug enforcement activities and officer advanced training. The allocation between DPS and local tasks forces is determined by the Drug Enforcement Advisory Board.

The penalty for the 2014 grant was \$107 thousand.

### **SIGNIFICANT ISSUES**

According to DPS, the overarching purpose of the sex offender registry is to enhance ongoing law enforcement and tracking efforts as well as provide the public with information regarding persons that may come in contact with family members in their communities. The benefits of the registry include identifying any changes in the offenders’ physical appearance or condition, updating other important information such as employment status, registered vehicles etc., and most importantly sending a clear message to offenders about being held accountable. This bill adds additional crimes, and therefore persons, to the registry to provide expanded information for public and investigative use.

### **ADMINISTRATIVE IMPLICATIONS**

DPS notes there are minor administrative actions that will need to take place to the SORNA database to accommodate the new offenses, but the changes in the bill will not increase the DPS’s workload.

ABS/al