

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 and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR SJC ORIGINAL DATE 2/24/17  
LAST UPDATED 3/15/17 HB \_\_\_\_\_

SHORT TITLE Wildlife Trafficking Act SB 81/SJCS/aSFC/aSF1#1

ANALYST Armstrong/Daly

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

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See narrative			Recurring	DGF and other law enforcement operating budgets

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (OAG)

Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of Senate Floor Amendment

The Senate floor amendment provides that the bill applies to species covered by Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which includes about 1,200 species that are threatened with extinction and are, or may be, affected by trade.

#### Synopsis of Senate Finance Committee Amendments

The Senate Finance Committee amendments to the Senate Judiciary Committee Substitute for Senate Bill 81 correct the United States' status as a party to the international convention mentioned in the bill, clarify that the conditions specified in Section 4 do not violate Section 3, and clarify the condition set out in Subsection (F) of that Section.

#### Synopsis of Original Bill

The Senate Judiciary Committee Substitute for Senate Bill 81 (SB81), the Wildlife Trafficking Act (the Act), defines the activity of trafficking certain protected or threatened animal species, parts, and products; criminalizes the defined conduct; and provides for corresponding penalties. The bill authorizes any commissioned New Mexico law enforcement officers, including officers employed by DGF or the State Parks Division. The effective date of this bill is July 1, 2017.

## **FISCAL IMPLICATIONS**

According to DGF analysis, SB81 would require training and investigative techniques for its approximately 100 officers to be able to properly identify the species and parts protected by the bill. This training would also be required of any other law enforcement agency in the state that chooses to enforce.

## **SIGNIFICANT ISSUES**

The bill classifies violations of the Act as a misdemeanor. Regardless of whether a criminal conviction is achieved, a violation of the Act is punishable by a civil fine of up to \$25 thousand or three times the total fair market value of the species or species part or product. Each covered part or product sold or purchased can be charged and punished as separate offenses. Upon conviction or a civil finding of violation of the Act, the part or product will be forfeited and given to U.S. Fish and Wildlife Service, destroyed, or donated to an educational or scientific institution.

### DGF notes:

With regards to the enforcement powers as defined under the proposed bill, crimes committed are currently under the jurisdiction and authority of the federal government. New Mexico Conservation Officers currently assist U.S. Fish and Wildlife Service agents when feasible but all criminal investigations and charges are brought forward by the federal agents who work with the U.S. Attorney's Office in federal courts. This bill would allow New Mexico law enforcement officers to take direct enforcement actions defined under the proposed language. It provides additional opportunities for the apprehension of those individuals engaged in illegal wildlife trafficking.

JA/sb/jle