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FISCAL IMPACT REPORT

SPONSOR Foley DATE TYPED 02/14/05 HB 501

SHORT TITLE Increase Penalties for Child Enticement SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with
HB 165, SB 55

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Attorney General (AGO)
 Children, Youth and Families Department (CYFD)
 Corrections Department (CD)
 Department of Public Safety (DPS)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 501 increases the penalty for enticement of child from a misdemeanor to a fourth degree felony. The bill also adds enticement of child to the list of enumerated offenses in the Sex Offender Registration and Notification Act, thereby requiring persons convicted of the crime to register as sex offenders. The bill requires the DPS to maintain information on such persons for ten years and requires local sheriffs to notify the appropriate district attorney and chief municipal law enforcement officer when individuals register.

FISCAL IMPLICATIONS

House Bill 501 may result in increased costs to the courts, AODA and PDD related to an increased number of felony trials. The bill may also result in increased costs to the Corrections Department since offenders would be convicted of felonies instead of misdemeanors.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to House Bill 165 and Senate Bill 55, both of which propose to add enticement of child to the sex Offender Registration and Notification Act. However, both bills leave the penalty for enticement of child as a misdemeanor, instead of increasing the penalty to a fourth degree felony, as is proposed in House Bill 501.

According to the AGO, House Bill 165 reflects changes required to the Sex Offender Registration and Notification Act to comply with minimum federal law.

TECHNICAL ISSUES

The language of House Bill 501 may appear to remove references in the definition of enticement of child to some crimes enumerated in Chapter 30, Article 9 NMSA 1978. However, this change is merely technical and does not change the actual definition of enticement of child.

EF/yr