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FISCAL IMPACT REPORT

ORIGINAL DATE 02/27/09
 LAST UPDATED 03/3/09 HB 328/HJCS

SPONSOR HJC

SHORT TITLE Human Trafficking Victim Assistance SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB268

SOURCES OF INFORMATION

LFC Files

Responses Received From

Human Services Department (HSD)
 Administrative Office of the Courts (AOC)
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute for House Bill 328 retains the intent to provide assistance to human trafficking victims, but removes the appropriation and the provision for civil suit. It refines the roles of law enforcement, the district attorney and victim advocates in assisting victims. It also no longer requires a court to determine a human trafficking victim's ability to cooperate and allows a victim to receive assistance if unable to cooperate because of physical or psychological disability. It removes the state-funded cash, legal and child care assistance for victims. Adds the Human Services Department to the task force and directs the task force to provide community resources information to law enforcement and human trafficking advocates.

SIGNIFICANT ISSUES

Federal Law and regulations, points out the Human Services Department, provide for the provision of federally funded Refugee Financial Assistance, Refugee Medical Assistance and Refugee Social Services to "Certified Victims of Human Trafficking" through the New Mexico Refugee Resettlement Program administered by HSD/ISD. The Refugee Resettlement Program

(RRP) provides cash assistance, medical assistance, health screening, employment and social services to eligible individuals and families. The RRP is administered by HSD. HSD serves federally certified individuals and families.

Additionally, the U.S. Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR), which is the federal agency charged with the responsibility to serving victims of Human trafficking, has contracted with the United States Conference of Catholic Bishops Migrant and Refugee Services (USCCB-MRS) to provide a broad spectrum of assistance to victims of human trafficking in either pre-certification and post-certification status.. In New Mexico, Catholic Charities of Central New Mexico (CCCM) has been awarded a sub-contract by USCCB-MRS and is therefore able to provide the HHS/ORR funded assistance to victims of human trafficking. CCCM has the capability to provide these federally funded services in the Albuquerque and Santa Fe metropolitan areas.

By federal regulation any identified victims of trafficking under the age of 18 is automatically federally Certified as a Victim of Human Trafficking as are immediately eligible for assistance through the New Mexico Refugee Resettlement Program. No state funds are required for these individuals.

PERFORMANCE IMPLICATIONS

The Administrative Office of the Courts explains that any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions.

ADMINISTRATIVE IMPLICATIONS

Human Services Department lists the following implications:

1. The Refugee Resettlement Coordinator and his Supervisor will serve on the task force for the Human Services Department.
2. The number of eligible victims or their geographic location is not predictable, a state-wide network of service providers will need to be identified and funded to be "on call" to provide the required services as the need for them arises.
3. Procedures will need to be established by the Task Force to facilitate the application for federal certification as a Victim of Human Trafficking with local law enforcement so as to maximize the use of available federal funds for this purpose. HB 328 calls for the provision of benefits and services to victims of human trafficking without regard to immigration status. Federal law provides that victims of human trafficking may receive a "T visa" and/or a Certification as a victim of human trafficking which allow them to lawfully remain in the United States and receive employment authorization. Without a close working relationship with the federal Department of Homeland Security and the United States Department of Health and Human Service's Office of Refugee Resettlement, which issues the certifications for victims of human trafficking, individuals being served through HB 328 may be removed from the United States or denied the right to work for lack of a lawful immigration status.
4. The Task Force will need to implement training for the identification, eligibility determination and service provision to qualified individuals.

RELATIONSHIP

Relates to SB268 but SB268 adds a civil remedy for victims and additional resources such as child care, cash assistance and legal assistance. It also provides for cooperation from victims, but differs in that it allows the Judge to determine whether the victim is cooperating enough to receive services upon the request of the victim advocate.

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