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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/13

SPONSOR Lewis LAST UPDATED 02/20/13 HB 295/aHCPAC

SHORT TITLE Electornic & Online Promotion of Prostitution SB _____

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 - \$62.4	\$31.7 - \$62.4	\$62.4 - \$124.8	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)
 Public Defender Department (PDD)
 New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment to House Bill 295 clarifies the intent of the legislation by including the following section:

“For the purposes of this section, a “place where prostitution is practices, encouraged or allowed” means a physical location, a computer, an internet web site or any other virtual or online forum.”

Synopsis of Original Bill

House Bill 295 (HB 295) proposes to amend NMSA 1978, Section 30-9-4 to explicitly include the use of “electronic, virtual or online forum or an internet web site to engage” in the promotion of prostitution. Specifically, subsection B would read: “Promoting prostitution also consists of using an electronic, virtual or online forum or an internet web site to engage in any of the conduct described in Subsection A of this section.”

The effective date of the enacted bill would be July 1, 2013.

FISCAL IMPLICATIONS

The fiscal impact reflected in the table above is a range based on one to two inmates per year incarcerated in private prison facilities. It is difficult to quantify the fiscal impact of crime bills, but it is likely that costs will not exceed this range.

SIGNIFICANT ISSUES

The PDD has noted the following:

HB 295 would prohibit the use of electronic mediums to “engage in any of the conduct described in Subsection A.” Accordingly, under HB 295 it would be illegal to use a forum or website to knowingly establish, own, maintain or manage a house of prostitution or a place where prostitution is practiced and to “knowingly solicit[] a patron for a prostitute or for a house of prostitution or for any place where prostitution is practiced, encouraged or allowed.” HB 295 would not, however, make the forum or website itself a “house of prostitution” or a “place where prostitution is practiced, encouraged or allowed.” Thus, substantively, it does not appear that HB 295 alters existing law or remedies the definitional problem set forth above.

NCJ/bm:svb