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FISCAL IMPACT REPORT

ORIGINAL DATE 020/4/14

SPONSOR Farjardo LAST UPDATED _____ HB 163

SHORT TITLE Communication of Certain Images to Children SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown	Unknown	Unknown	Recurring	General

(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)
 Attorney General’s Office (AGO)
 New Mexico Corrections Department (NMCD)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 163 would amend current law at Section 30-37.3.3 NMSA 1978 regarding criminal sexual communication with a child. The bill would expand the definition of criminal sexual communication by substituting the word “the” with the word “any,” such that a person knowingly and intentionally communications directly with a specific child under age 16 by sending the child obscene images of any person’s intimate parts via electronic communication device when the perpetrator is at least 4 years older than the child.

FISCAL IMPLICATIONS

While enactment of this legislation may lead to an increase in prosecutions under this statute, it is unlikely that the additional workload for the courts, District Attorneys, and PDD will justify an increase in funding. Similarly, the NMCD reports it unlikely that enactment of HB 163 will negatively impact the department.

SIGNIFICANT ISSUES

The PDD notes that “obscene” is not defined in the bill.