

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 73

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Christine Trujillo

AN ACT

RELATING TO INDECENT DECEPTIVE TRADE PRACTICES; ENACTING THE
HUMAN TRAFFICKING AND CHILD EXPLOITATION ACT; CREATING
CONTINUING DUTIES FOR RETAILERS OF INTERNET-ENABLED DEVICES;
CREATING A CIVIL ACTION, CONSUMER PROTECTION VIOLATIONS, AN
AFFIRMATIVE DEFENSE, UNLAWFUL ACTS, PENALTIES AND EXEMPTIONS;
ESTABLISHING THE NEW MEXICO HUMAN TRAFFICKING AND CHILD
EXPLOITATION PREVENTION GRANT FUND ADMINISTERED BY THE ATTORNEY
GENERAL FOR THE BENEFIT OF GOVERNMENTAL AND, ESPECIALLY, NON-
GOVERNMENTAL GROUPS WORKING TO UPHOLD CONTEMPORARY COMMUNITY
STANDARDS OF DECENCY OR TO COMBAT SEX-RELATED OFFENSES;
IMPOSING AN ADMISSION FEE ON LIVE ADULT ENTERTAINMENT
ESTABLISHMENTS; PROVIDING FOR A CONTINGENT EFFECTIVE DATE THAT
DEPENDS ON FOUR OTHER STATES ENACTING SIMILAR LEGISLATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

underscored material = new
[bracketed material] = delete

1 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
2 cited as the "Human Trafficking and Child Exploitation Act".

3 SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of the
4 Human Trafficking and Child Exploitation Act is to regulate
5 indecent deceptive trade practices, cause existing laws to
6 catch up to modern technology and deter the erosion of
7 contemporary community standards of decency.

8 SECTION 3. [NEW MATERIAL] LEGISLATIVE FINDINGS.--The
9 legislature finds that:

10 A. the United States supreme court in *Ashcroft v.*
11 *American Civil Liberties Union*, 542 U.S. 656 (2004), found the
12 legislative branch "may undoubtedly act to encourage the use of
13 filters It could also take steps to promote their
14 development by industry, and their use by parents", which was
15 the United States supreme court's way of signaling to the
16 legislative branch to pass filter legislation that requires
17 consumers to opt in to having access to obscene materials that
18 are harmful to minors on internet-enabled devices, since
19 filters are the least restrictive means;

20 B. the United States supreme court found in
21 *Ginsberg v. New York*, 390 U.S. 629 (1968), that a physical
22 display state statute that required physical brick and mortar
23 stores to put physical obscene material behind a physical
24 blinder rack was constitutional under first amendment
25 heightened scrutiny, which means that a digital blinder rack

underscored material = new
[bracketed material] = delete

1 statute that requires digital retailers to put digital obscene
2 material behind a digital blinder rack is also constitutional
3 on the same legal basis;

4 C. because the United States supreme court in *Paris*
5 *Adult Theatre I v. Slaton*, 413 U.S. 49 (1973), made it clear
6 that the states have a compelling interest to uphold community
7 standards of decency, a statute requiring a filter deactivation
8 fee regarding websites displaying obscene material and an adult
9 service business admission fee are constitutional for being
10 rationally related to a narrowly tailored compelling state
11 interest;

12 D. the Texas supreme court in *Combs v. Texas*
13 *Entertainment Association, et al.*, 347 S.W.3d 277 (Sup. Ct.
14 Tex. 2011), relying on federal constitutional law, found that a
15 statute that required a five-dollar (\$5.00) admission fee to an
16 adult service business that was to be remitted back to the
17 state to enable the state to uphold community standards of
18 decency was constitutional under first amendment heightened
19 scrutiny, which means that a one-time twenty-dollar (\$20.00)
20 filter deactivation fee to enter the digital strip club on
21 internet-enabled devices is constitutional on the same legal
22 basis, if remitted to the state to be used in the same manner;

23 E. human trafficking has substantially moved from
24 the street corner to the smart phone, which means that making
25 websites that facilitate human trafficking and prostitution

.218805.lms

underscored material = new
[bracketed material] = delete

1 inaccessible by default on internet-enabled devices will do
2 more to curb the demand for such offenses, more so than any
3 other measure since the inception of the internet;

4 F. live adult entertainment establishments
5 contribute to a culture that tolerates the sexual
6 objectification and exploitation of women and contribute to the
7 need for community-based services to respond to victims of all
8 forms of sexual exploitation, including sexual harassment,
9 trafficking and sexual assault;

10 G. crime statistics show that the presence of live
11 adult entertainment establishments may result in an increase in
12 prohibited secondary sexual activities, such as prostitution
13 and other crimes, in the surrounding community; and

14 H. the legislature is generally opposed to online
15 censorship unless the content is injurious to children or
16 promotes human trafficking; only then does the legislature
17 condone limited censorship.

18 SECTION 4. [NEW MATERIAL] DEFINITIONS.--As used in the
19 Human Trafficking and Child Exploitation Act:

20 A. "cellular telephone" means a communication
21 device containing a unique electronic serial number that is
22 programmed into its computer chip by its manufacturer and whose
23 operation is dependent on the transmission of that electronic
24 serial number along with a mobile identification number, which
25 is assigned by the cellular telephone carrier, in the form of

.218805.lms

1 radio signals through cell sites and mobile switching stations;

2 B. "child pornography" has the same meaning as set
3 forth in 18 U.S.C. Section 2256 and describes an offense
4 pursuant to Section 30-6A-3 NMSA 1978;

5 C. "computer" has the same meaning as set forth in
6 18 U.S.C. Section 1030;

7 D. "consumer" means an individual, business or
8 entity that purchases or leases for personal, family or
9 household purposes, or for any other reason, an internet-
10 enabled device;

11 E. "data communications device" means an electronic
12 device that receives electronic information from one source and
13 transmits or routes it to another, including any such bridge,
14 router, switch or gateway;

15 F. "filter" means a digital blocking capability,
16 hardware or software that restricts or blocks internet access
17 to websites, electronic mail, chat or other internet-based
18 communications based on category, site or content, and the term
19 means a digital blinder rack that can be deactivated by a
20 retailer upon the satisfaction of certain nominal conditions;

21 G. "harmful to minors" has the same meaning as set
22 forth in Subsection F of Section 30-37-1 NMSA 1978;

23 H. "hate speech" means a phrase concerning content
24 that an individual finds offensive based on the individual's
25 personal moral code;

.218805.lms

underscoring material = new
~~[bracketed material] = delete~~

1 I. "human trafficking" has the same meaning as set
2 forth in Section 30-52-1 NMSA 1978;

3 J. "internet" has the same meaning as given in 31
4 U.S.C. Section 5362;

5 K. "internet-enabled device" means a cellular
6 telephone, computer, data communications device or other
7 product manufactured, distributed or sold in New Mexico that
8 provides internet access or plays a material role in
9 distributing content on the internet;

10 L. "internet service provider" means a person
11 engaged in the business of providing a computer and
12 communications facility through which a consumer may obtain
13 access to the internet. The term does not include a common
14 carrier if it provides only telecommunications service;

15 M. "live adult entertainment establishment" means a
16 business in which, as the major activity, customers congregate
17 primarily for the purpose of viewing or associating with
18 employees who display anatomical areas designed to provide
19 sexual stimulation or sexual gratification, including human
20 genitals, the immediate pubic region or pubic hair, buttocks to
21 the extent of exposing the immediate anal area, female breasts
22 to points below the nipples, male genitals in a state of
23 erection, even if covered with opaque clothing, and all of the
24 above anatomical areas when covered only by transparent or
25 diaphanous clothing;

.218805.lms

1 N. "minor" has the same meaning as set forth in
2 Section 30-37-1 NMSA 1978;

3 O. "obscene material" means content:

4 (1) that the average individual applying
5 contemporary community standards would find, when considered or
6 taken as a whole, appeals to prurient interests;

7 (2) depicting or describing sexual conduct in
8 a patently offensive way by audio or visual representations,
9 actual or simulated masturbation, excretory functions or
10 exhibitions of a specified anatomical area of oneself or
11 another, or tactile stimulation of the covered or uncovered
12 genitals of oneself or another;

13 (3) that, when considered or taken as a whole,
14 lacks serious literary, artistic, political or scientific
15 value; and

16 (4) on websites that:

17 (a) are known to facilitate human
18 trafficking or prostitution; and

19 (b) display or depict images that are
20 harmful to minors or that constitute sado-masochistic abuse,
21 sexual excitement, sexual conduct or revenge pornography;

22 P. "personal identification information" means any
23 information that identifies a person, including an individual's
24 photograph, social security number, driver identification
25 number, name, email address, address or telephone number;

1 Q. "prostitution" has the same meaning as set forth
2 in Section 30-9-2 NMSA 1978;

3 R. "retailer" means any person who regularly
4 engages in the manufacturing, sale, offer for sale or lease of
5 internet-enabled devices or services in New Mexico that make
6 content accessible on the internet; the term includes internet
7 service providers;

8 S. "revenge pornography" means images that promote
9 the exposure of a person and that is an offense as set forth in
10 Section 30-37A-1 NMSA 1978;

11 T. "sado-masochistic abuse" has the same meaning as
12 set forth in Subsection E of Section 30-37-1 NMSA 1978;

13 U. "sexual conduct" has the same meaning as set
14 forth in Subsection C of Section 30-37-1 NMSA 1978;

15 V. "sexual excitement" has the same meaning as set
16 forth in Subsection D of Section 30-37-1 NMSA 1978; and

17 W. "social media website" means an internet website
18 or application that enables users to communicate with each
19 other by posting information, comments, messages or images and
20 that meets all of the following requirements:

21 (1) is open to the public;

22 (2) has more than seventy-five million
23 subscribers;

24 (3) from its inception, has not been
25 specifically affiliated with any one religion or political

underscoring material = new
~~[bracketed material] = delete~~

1 party; and

2 (4) provides a means for the website's users
3 to report obscene materials and has in place procedures for
4 evaluating those reports and removing obscene material.

5 SECTION 5. [NEW MATERIAL] CONTINUING DUTIES OF RETAILERS
6 OF INTERNET-ENABLED DEVICES--FILTERS.--

7 A. A retailer that manufactures, sells, offers for
8 sale, leases or distributes an internet-enabled device shall
9 ensure that the product is equipped with an active and
10 operating filter prior to sale that blocks by default websites
11 that:

12 (1) are known to facilitate human trafficking
13 or prostitution; and

14 (2) display child pornography, revenge
15 pornography or obscene material harmful to minors.

16 B. A retailer that manufactures, sells, offers for
17 sale, leases or distributes an internet-enabled device shall:

18 (1) make reasonable and ongoing efforts to
19 ensure that the device's filter functions properly;

20 (2) establish a reporting mechanism, such as a
21 website or call center, to allow a consumer to report unblocked
22 websites displaying content described in Paragraphs (1) and (2)
23 of Subsection A of this section or to report blocked websites
24 that are not displaying content described in those paragraphs;

25 (3) report child pornography received through

1 the reporting mechanism to the national center for missing and
2 exploited children's cyber tip line in accordance with
3 Subsection A of 18 U.S.C. Section 2258; and

4 (4) not block access to websites that:

5 (a) are social media websites that
6 provide a means for the website's users to report obscene
7 materials and have in place procedures for evaluating those
8 reports and removing obscene material;

9 (b) serve primarily as a search engine;
10 or

11 (c) display complete movies that meet
12 the qualifications for a "G", "PG", "PG-13" or "R" rating by
13 the classification and ratings administration, as those
14 qualifications existed on September 1, 2020.

15 C. A retailer of an internet-enabled device shall
16 not provide to a consumer methods, source code or other
17 operating instructions for deactivating a product's filter.

18 D. A retailer of an internet-enabled device shall
19 deactivate the filter after a consumer:

20 (1) requests that the capability be disabled;

21 (2) presents personal identification
22 information to verify that the consumer is eighteen years of
23 age or older;

24 (3) acknowledges receiving a warning regarding
25 the potential danger of deactivating the filter; and

underscoring material = new
~~[bracketed material] = delete~~

1 (4) pays a one-time twenty-dollar (\$20.00)
2 filter deactivation fee to be remitted quarterly to the
3 taxation and revenue department to be deposited into the New
4 Mexico human trafficking and child exploitation prevention
5 grant fund established pursuant to Subsection A of Section 9 of
6 the Human Trafficking and Child Exploitation Act.

7 E. The filter deactivation fee imposed by Paragraph
8 (4) of Subsection D of this section is not content-based but
9 collected and remitted to the taxation and revenue department
10 to help New Mexico bear the costs of upholding community
11 standards of decency and of combating sex-related offenses and
12 is to be used as set forth in Subsection E of Section 9 of the
13 Human Trafficking and Child Exploitation Act. The taxation and
14 revenue department shall prescribe the administration, payment,
15 collection and enforcement of the fee imposed by Paragraph (4)
16 of Subsection D of this section. The taxation and revenue
17 department may annually adjust the one-time fee to account for
18 inflation.

19 F. Nothing in the Human Trafficking and Child
20 Exploitation Act shall be construed to prevent a retailer of an
21 internet-enabled device from charging a reasonable separate fee
22 to deactivate the filter, which it may retain for profit.

23 G. The attorney general shall prepare and make
24 available to retailers a form that includes all content that is
25 required in the warning pursuant to Paragraph (3) of Subsection

underscoring material = new
~~[bracketed material] = delete~~

1 D of this section.

2 H. Nothing in the Human Trafficking and Child
3 Exploitation Act shall be construed to require a retailer of an
4 internet-enabled device to create a database or registry that
5 contains the names or personal identification information of
6 adults who knowingly chose to deactivate a product's filter. A
7 retailer of an internet-enabled device shall take due care to
8 protect the privacy rights of adult consumers pursuant to this
9 section and shall not disclose the names or personal
10 identification information of an adult consumer who decided to
11 deactivate a product's filter.

12 SECTION 6. [NEW MATERIAL] FILTER QUALITY CONTROL--CIVIL
13 ACTION--UNFAIR AND DECEPTIVE TRADE PRACTICE VIOLATION--
14 AFFIRMATIVE DEFENSE.--

15 A. Pursuant to Paragraph (2) of Subsection B of
16 Section 5 of the Human Trafficking and Child Exploitation Act,
17 if the filter blocks a website that is not displaying content
18 described in Subsection A of Section 5 of that act and the
19 block is reported to a call center or reporting mechanism, the
20 website shall be unblocked within a reasonable time, but in no
21 event later than five business days after the block is first
22 reported. A consumer may seek judicial relief to unblock a
23 website that was wrongfully blocked by the filter. The
24 prevailing party in a civil litigation may seek attorney fees,
25 costs and other forms of relief.

underscored material = new
[bracketed material] = delete

1 B. Pursuant to Paragraph (2) of Subsection B of
2 Section 5 of the Human Trafficking and Child Exploitation Act,
3 if a retailer of an internet-enabled device is unresponsive to
4 a report of a website displaying content described in
5 Subsection A of Section 5 of that act, the attorney general or
6 a consumer may file a civil lawsuit. The attorney general or a
7 consumer may seek damages of up to five hundred dollars (\$500)
8 for each website that was reported but not subsequently
9 blocked. The prevailing party in the civil action may seek
10 attorney fees, costs and other forms of relief.

11 C. If a retailer of an internet-enabled device
12 fails to comply with a duty described in Subsections A and B of
13 this section, it has engaged in an unfair or deceptive trade
14 practice in violation of the Unfair Practices Act and is
15 subject to penalties for violating that act.

16 D. It shall be an affirmative defense in a civil
17 action to a charge of violating this section that the
18 dissemination of the content described in Subsection A of
19 Section 5 of the Human Trafficking and Child Exploitation Act
20 was limited to institutions or organizations having scientific,
21 educational or other similar justifications for displaying the
22 material.

23 SECTION 7. [NEW MATERIAL] UNLAWFUL ACTS--PENALTIES.--

24 A. A retailer of an internet-enabled device is
25 guilty of an offense if it knowingly:

.218805.lms

1 (1) sells an internet-enabled device without
2 activated blocking capability that at least makes an attempt to
3 block by default websites that display content described in
4 Subsection A of Section 5 of the Human Trafficking and Child
5 Exploitation Act;

6 (2) violates Subsection C of Section 5 of the
7 Human Trafficking and Child Exploitation Act;

8 (3) fails to comply with the requirements of
9 Subsection D of Section 5 of the Human Trafficking and Child
10 Exploitation Act before deactivating a product's filter; or

11 (4) discloses to a third party the name or the
12 personal identification information of adult consumers who have
13 elected to deactivate a product's filter in violation of
14 Subsection H of Section 5 of the Human Trafficking and Child
15 Exploitation Act without a court order directing otherwise.

16 B. A retailer of an internet-enabled device that
17 commits an offense pursuant to Subsection A of this section
18 shall be fined no more than one thousand dollars (\$1,000) for a
19 first offense and no more than two thousand five hundred
20 dollars (\$2,500) for any subsequent offenses.

21 C. A retailer of an internet-enabled device that
22 commits an offense pursuant to Subsection A of this section
23 with two prior convictions pursuant to that subsection is
24 guilty of a petty misdemeanor.

25 D. A retailer of an internet-enabled device that

underscored material = new
[bracketed material] = delete

1 commits an offense pursuant to Subsection A of this section has
2 engaged in an unfair and deceptive trade practice in violation
3 of the Unfair Practices Act and is subject to the penalties for
4 violating that act.

5 E. Only the attorney general or a district attorney
6 is authorized to enforce this section.

7 SECTION 8. [NEW MATERIAL] EXEMPTIONS.--

8 A. The Human Trafficking and Child Exploitation Act
9 shall not apply to:

10 (1) an occasional sale of an internet-enabled
11 device by a person that is not regularly engaged in the trade
12 business of selling internet-enabled devices;

13 (2) products produced or sold before enactment
14 of the Human Trafficking and Child Exploitation Act; and

15 (3) independent third-party routers that are
16 not affiliated with an internet service provider.

17 B. The Human Trafficking and Child Exploitation Act
18 does not apply to a retailer of an internet-enabled device that
19 is not subject to the jurisdiction of New Mexico.

20 SECTION 9. [NEW MATERIAL] NEW MEXICO HUMAN TRAFFICKING
21 AND CHILD EXPLOITATION PREVENTION GRANT FUND.--

22 A. There is established in the state treasury a
23 special fund to be known as the "New Mexico human trafficking
24 and child exploitation prevention grant fund" to be
25 administered by the attorney general or the attorney general's

underscoring material = new
~~[bracketed material] = delete~~

1 designee.

2 B. The purposes of the fund are:

3 (1) to promote the development throughout New
4 Mexico of locally based and supported nonprofit programs for
5 the survivors of sex-related offenses and to support the
6 quality of services provided;

7 (2) to empower any governmental and,
8 especially, non-governmental groups working to uphold community
9 standards of decency, to protect children, to strengthen
10 families or to develop, expand or prevent or offset the costs
11 of sex-related offenses; and

12 (3) not to promote a culture of perpetual
13 victimhood but to maximize human flourishing and to protect the
14 public's safety, health and welfare.

15 C. The purposes of the fund shall be interpreted
16 broadly to meet the evolving needs of New Mexico.

17 D. The fund shall consist of:

18 (1) deactivation fees collected by the
19 taxation and revenue department from retailers of internet-
20 enabled devices pursuant to Paragraph (4) of Subsection D of
21 Section 5 of the Human Trafficking and Child Exploitation Act;

22 (2) admission fees collected by the taxation
23 and revenue department from live adult entertainment
24 establishments pursuant to Subsection A of Section 10 of the
25 Human Trafficking and Child Exploitation Act; and

.218805.lms

underscoring material = new
[bracketed material] = delete

1 (3) any other appropriations, gifts, grants,
2 donations and bequests.

3 E. Money deposited into the fund may be used only
4 by:

5 (1) the attorney general or the attorney
6 general's designee for grants to governmental and, especially,
7 non-governmental entities and individuals that are working to
8 uphold community standards of decency, to protect children, to
9 strengthen families, or to develop, expand or strengthen
10 programs for victims of human trafficking or child
11 exploitation, including providing grants for:

12 (a) the needs of human trafficking
13 victim advocates as set forth in Paragraph (2) of Subsection G
14 of Section 30-52-2 NMSA 1978;

15 (b) the needs of the benefits and
16 services for human trafficking victims established pursuant to
17 Section 30-52-2 NMSA 1978;

18 (c) the needs of the New Mexico's
19 internet crimes against children task force;

20 (d) the needs of the attorney general's
21 human trafficking task force and any other task force or
22 coalition located in New Mexico;

23 (e) the needs of victim compensation;

24 (f) services to help women with
25 substance abuse problems stay clean;

.218805.lms

1 (g) counselors and victim advocates who
2 are trained to assist victims of domestic violence and sexual
3 abuse;

4 (h) shelters for women, particularly
5 those who have been exposed to prostitution or human
6 trafficking;

7 (i) research-based organizations;

8 (j) faith-based organizations working to
9 uphold community standards of decency and assisting victims of
10 human trafficking or other sex offenses;

11 (k) child advocacy centers;

12 (l) organizations that provide legal
13 advocacy to abused, neglected and at-risk children;

14 (m) physical and mental health services;

15 (n) temporary and permanent housing
16 placement;

17 (o) employment, placement, education and
18 training;

19 (p) independent school districts;

20 (q) family counseling and therapy;

21 (r) law enforcement;

22 (s) musical, writing, design, cinematic,
23 or pictorial creative art projects that promote decency;

24 (t) regional nonprofit providers of
25 civil legal services to provide legal assistance for sexual

1 assault victims;

2 (u) grants to support technology in rape
3 crisis centers;

4 (v) sexual violence awareness and
5 prevention campaigns; and

6 (w) scholarships for students
7 demonstrating outstanding character or leadership skills; and

8 (2) any other state agency or organization for
9 the purpose of conducting human trafficking enforcement
10 programs or to uphold community standards of decency.

11 F. Interest accruing on investments and deposits of
12 the fund shall be credited to the fund shall not revert to the
13 general fund and shall be carried forward into subsequent
14 fiscal years.

15 G. Any balance in the fund remaining unexpended at
16 the end of a fiscal year shall not revert to the general fund
17 but shall be carried forward into subsequent fiscal years.

18 H. The attorney general or the attorney general's
19 designee shall evaluate activities conducted pursuant to this
20 section each year and, on or before February 15 of each year,
21 submit an annual report containing the evaluation to the chief
22 clerk of the senate and chief clerk of the house of
23 representatives and notify the legislature that the report is
24 available. The report shall include:

25 (1) the amount of filter deactivation fees

underscored material = new
[bracketed material] = delete

1 received pursuant to Paragraph (4) of Subsection D of Section 5
2 of the Human Trafficking and Child Exploitation Act;

3 (2) the amount of admission fees received
4 pursuant to Subsection A of Section 10 of the Human Trafficking
5 and Child Exploitation Act;

6 (3) the manner in which the funds in the
7 account maintained pursuant to Subsection E of this section
8 were distributed; and

9 (4) the manner in which each entity receiving
10 a grant pursuant to Subsection E of this section used the grant
11 money.

12 I. The attorney general or the attorney general's
13 designee may by rule:

14 (1) determine eligibility requirements for any
15 grant awarded pursuant to this section;

16 (2) require a grant recipient to offer minimum
17 services for a period of time before receiving a grant and to
18 continue to offer minimum services during the grant period; and

19 (3) require a grant recipient to submit
20 financial and programmatic reports.

21 J. The attorney general or the attorney general's
22 designee shall not spend more than ten percent of the available
23 funds on the administration of the fund.

24 SECTION 10. [NEW MATERIAL] LIVE ADULT ENTERTAINMENT
25 ESTABLISHMENT.--

underscored material = new
~~[bracketed material] = delete~~

1 A. A five-dollar (\$5.00) admission fee is imposed
2 for each entry by each customer admitted to a live adult
3 entertainment establishment to be remitted quarterly to the
4 taxation and revenue department and deposited into the New
5 Mexico human trafficking and child exploitation prevention
6 grant fund established pursuant to Subsection A of Section 9 of
7 the Human Trafficking and Child Exploitation Act. The taxation
8 and revenue department shall prescribe the method of
9 administration, payment, collection and enforcement of the fee
10 imposed by this section.

11 B. The admission fee is not content based but is
12 imposed and remitted to New Mexico to offset secondary harmful
13 effects, help the state uphold community standards of decency
14 and combat sex-related crimes and is to be used as set forth in
15 Subsection E of Section 9 of the Human Trafficking and Child
16 Exploitation Act.

17 C. The admission fee is in addition to all other
18 taxes imposed on a business that offers adult entertainment.

19 D. Each live adult entertainment establishment
20 shall record daily in the manner required by the taxation and
21 revenue department the number of customers admitted to the
22 business. The business shall maintain the records for the
23 period required by the taxation and revenue department and make
24 the records available only for inspection and audit on request
25 by that department. The records shall not contain the names or

.218805.lms

underscoring material = new
~~[bracketed material] = delete~~

1 personal information of any customer.

2 E. This section does not require a live adult
3 entertainment establishment to impose a tax on a customer of
4 the business. A business has the discretion to determine the
5 manner in which the business derives the money required to pay
6 the tax imposed pursuant to this section.

7 SECTION 11. [NEW MATERIAL] TEMPORARY PROVISIONS.--The
8 legislature recognizes some non-governmental groups in New
9 Mexico that have been either working to uphold community
10 standards of decency or to combat sex-related offenses that
11 could be prospective beneficiaries of the fund established
12 pursuant to Subsection A of Section 9 of the Human Trafficking
13 and Child Exploitation Act. These groups includes LEAD
14 program, street safe New Mexico, spoken for, New Mexico dream
15 center, freedom house, New Mexico organized against trafficking
16 humans, New Mexico chapters of A21, New Mexico chapter of
17 international justice mission, project zoe, New Mexico tribal
18 task force on human trafficking, New Mexico's internet crimes
19 against children task force, catholic charities (Albuquerque),
20 enlace comunitario (Albuquerque), law office of J. Alison
21 Cimino, P.C. (Albuquerque), Luna county healing house, Luna
22 county casa program (Deming), New Mexico legal aid (Deming),
23 esperanza house, inc. (Deming), family crisis center
24 (Farmington), la casa, inc. (Las Cruces), la pinon (Las
25 Cruces), salvation army (Las Cruces), domestic unity (Reserve),

.218805.lms

underscored material = new
[bracketed material] = delete

1 Chaves county casa program (Roswell), city of Santa Fe domestic
2 and sexual violence prevention liaison, the life link (Santa
3 Fe), solace crisis treatment center (Santa Fe), youth shelters
4 and family services (Santa Fe), salvation army (El Paso), SE NM
5 child advocacy centers, Albuquerque family advocacy center,
6 oasis children's advocacy center, New Mexico voices for
7 children, New Mexico children's alliance, la pinon children's
8 advocacy center, joy junction, inc. (Albuquerque), steelbridge
9 (Albuquerque), good shepherd center (Albuquerque), St.
10 Elizabeth shelter corporation (Santa Fe), interfaith community
11 shelter at Pete's place (Santa Fe), PATH (Farmington),
12 Albuquerque opportunity center (Albuquerque), the rock at
13 noonday (Albuquerque), SAFE house (Albuquerque), new day youth
14 and family services (Albuquerque), jardin de los ninos (Las
15 Cruces), New Mexico veteran's integration center (Albuquerque),
16 James ranch youth shelter (Roswell), New Mexico coalition to
17 end homelessness (Santa Fe), Las Cruces gospel rescue mission
18 (Las Cruces), roof (Farmington), family promise of Albuquerque,
19 esperanza house (Roswell), Carlsbad community of hope center
20 (Carlsbad), amistad runaway facility (Albuquerque), poco loco
21 river trail (Albuquerque), IBC community outreach center
22 (Grants), rivers of life outreach (Roswell), barrett house
23 (Albuquerque) and other similarly situated groups and
24 individuals.

25 SECTION 12. [NEW MATERIAL] CONTINGENT EFFECTIVE DATE--

.218805.lms

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOTIFICATION.--

A. This act shall take effect after the passage, approval, ratification and adoption by four other states of similar legislation.

B. Within ten days of the date that four states adopt legislation similar to this act, the attorney general shall advise the governor, the speaker of the house of representatives and the president pro tempore of the senate of the effective date of this act.