

LFC Requester:

**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

Original ☐ Amendment ☒  
Correction ☐ Substitute ☐

**Date** March 5, 2019

**Bill No:** HB314aa

<b>Sponsor:</b>	<u>House Floor Amendment</u>	<b>Agency Name and Code</b>	<u>Administrative Office of the</u>
<b>Short</b>	<u>Children's Advocacy</u>	<b>Number:</b>	<u>District Attorneys (AODA) 264</u>
<b>Title:</b>	<u>Centers</u>	<b>Person Writing</b>	<u>Gail MacQuesten</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
00	0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB292  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE****BILL SUMMARY**Synopsis:

HB314 has been amended twice.

The first amendment, by the State Government, Elections and Indian Affairs Committee, changed Section 3 of the Act, which describes a children's advocacy center. The original bill specified that a center must be a nonprofit entity. The amendment removed the requirement that the entity be nonprofit.

The second amendment, House Floor Amendment 1, made changes to Section 2 of the Act, the definition section. The amendment changed the title of the section from "Definitions" to "Definition." It also removed subsection B, which defined "nonprofit entity." The amendment made stylistic changes to reflect that the section is now a one paragraph section with lettered subsections.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

The amendments do not have a fiscal impact on the district attorneys.

**SIGNIFICANT ISSUES**

The first amendment, by the State Government, Elections and Indian Affairs Committee, makes the most substantive change, by allowing children's advocacy centers to be for-profit entities. The House Floor Amendment makes additional changes that reflect the removal of the requirement that the entities be non-profit.

**PERFORMANCE IMPLICATIONS**

Recognizing for-profit Children's Advocacy Centers (and making them eligible for grants) may encourage the formation of Children's Advocacy Centers in areas of the state that are not currently served.

## **ADMINISTRATIVE IMPLICATIONS**

If the amendments increase the number of Children's Advocacy Centers, particularly in underserved areas of the state, it will be easier to conduct forensic interviews.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB292 appropriates \$3 million from the general fund to the Children, Youth and Families Department (CYFD) for sexual assault services to children through child advocacy centers.

## **TECHNICAL ISSUES**

SB292 appropriates funds for services provided by "child advocacy centers." It does not define that term, and does not refer to any statute in using that term. HB314 uses the slightly different term, "Children's Advocacy Centers."

## **OTHER SUBSTANTIVE ISSUES**

None found.

## **ALTERNATIVES**

None proposed.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

For-profit entities will not be recognized as Children's Advocacy Centers.

## **AMENDMENTS**

None proposed.