

**LFC Requester:**

**AGENCY BILL ANALYSIS  
2020 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** January 27, 2020  
**Bill No:** HB 232-264

**Sponsor:** Andrea Romero; Bill Rehm  
**Short Title:** Increase Human trafficking Penalties

**Agency Name and Code Number:** Administrative Office of the District Attorney 264  
**Person Writing:** Donald Gallegos  
**Phone:** 575-770-3120    **Email:** dgallegos@questalaw.

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY20	FY21	FY22		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

Section 1: Increases the penalty for a person convicted of human trafficking from a third-degree felony to a second-degree felony (page 2, line 14). Makes it a first-degree felony if the person commits human trafficking when the victim is under the age of eighteen (page 2, lines 14-20).

Presently, if a person commits human trafficking and the victim is under the age of sixteen, the person is guilty of a second-degree felony. If a person commits human trafficking and the victim is under the age of thirteen, it is a first-degree felony.

**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.

Increased penalties may result in more trials.

**SIGNIFICANT ISSUES**

Increased penalties may have a deterrent effect.

Trafficking humans is very difficult to investigate and prosecute because most traffickers are part of organized crime.

The penalties under the present statute, and those in HB 232, are not mandatory and a person can still receive probation or a partly probated sentence.

Third-degree felony is punishable by up to three years in prison and a \$5,000 fine.

Second degree felony is punishable by up to nine years in prison and \$10,000 fine.

First degree felony is punishable by up to eighteen years in prison and a \$15,000 fine.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

Status quo

**AMENDMENTS**