

LFC Requester:	
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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: Date 1-15-16
Original **Amendment** **Bill No:** SB23
Correction **Substitute**

Sponsor: Gerald Ortiz y Pino **Agency Code:** 264
Short Title: Services for Victims of Human Trafficking **Person Writing:** Gail MacQuesten
Title: Trafficking **Phone:** 466-0532 **Emai:** gailmacquesten@q.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
\$125	0	nonrecurring	General fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	n/a	n/a	n/a	n/a	n/a	n/a

(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:

SB23 appropriates \$125,000 from the general fund to the crime victims’ reparation commission for expenditure in fiscal year 2017 to fund services for victims of human trafficking. Any unexpended or unencumbered balance remaining at the end of fiscal year 2017 shall revert to the general fund.

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.

SB23 has no fiscal implications for the AODA or the district attorneys.

SIGNIFICANT ISSUES

SB23 appropriates funds to the crime victims’ reparation commission, to fund services for victims of human trafficking. The crime victims’ reparation commission oversees the crime victims’ reparation fund, which pays awards of reparations to victims of certain crimes, including the crime of human trafficking. See Section 31-22-21 NMSA 1978. Reparations are paid to the victim, although in cases of child abuse or neglect in which the child has received services from a service provider, the statute allows payment directly to the service provider. See Section 31-22-9 NMSA 1978. It is not clear why SB23 appropriates funds to the commission, rather than to the fund the commission administers. On its face, however, it appears that the intent of SB23 is to provide funds to the commission to use for their own expenses in providing reparation services to human trafficking victims, or to pay restitution to human trafficking victims.

Note that a separate statute, the human trafficking statute (Section 30-52-2 NMSA 1978), provides that the state shall provide assistance to victims of human trafficking, including case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation, job training, child care, advocacy services, cash assistance, food assistance, other services to the victim and the victim’s family, and “other general assistance services and benefits as determined by the children youth and

families department or the human services department.” In addition, the “prosecuting authority” is to provide assistance with certain immigration issues, including providing assistance with accessing civil legal services. It appears that the human trafficking statute intends that the children, youth and families department, the human services department, and the prosecuting authority will provide the necessary services (or refer the victim to outside providers), although that is not entirely clear.

If the intent of SB23 is to fund the services provided for under the human trafficking statute, it is unclear why the appropriation is going to the crime victims’ reparation commission, which administers a fund that pays reparation awards to individual victims and, in some cases, to service providers.

If the intent of SB23 is to put the crime victims’ reparation commission in charge of administering funds to pay other state entities for services provided to the victims of human trafficking, that should be made clear.

PERFORMANCE IMPLICATIONS

There are no performance implications for the AODA or the district attorneys, unless the appropriation provided for in SB23 is intended to help fund “the prosecuting authority” when providing assistance in immigration issues.

ADMINISTRATIVE IMPLICATIONS

See Performance Implications, above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

See Significant Issues, above.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The crime victims’ reparation commission will not receive a special \$125,000 appropriation to fund services for victims of human trafficking.

AMENDMENTS

None proposed.