

FORTY-EIGHTH LEGISLATURE
SECOND SESSION, 2008

SB 71/a

January 28, 2008

Madam President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 71

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 12, after "PENALTIES;" insert "PROVIDING CIVIL REMEDIES; PROVIDING FOR CERTAIN STATE BENEFITS AND SERVICES FOR HUMAN TRAFFICKING VICTIMS;".

2. On page 2, between lines 22 and 23, insert the following new subsection:

"E. The attorney general shall, immediately upon identifying the presence in New Mexico of a human trafficking victim who offers state or local law enforcement agencies information regarding a perpetrator of human trafficking, coordinate state and local law enforcement agencies to provide the victim protection from retaliatory action.".

3. Reletter the succeeding subsections accordingly.

4. On page 2, line 25, after the period, insert the following:

"The prosecuting authority shall take all reasonable steps within its authority to provide a human trafficking victim with:

(1) all necessary documentation required pursuant to federal law for an adjustment of immigration status that applies to that victim; and

(2) assistance in accessing civil legal services providers who are able to petition for adjustment of immigration status on behalf of the victim.".

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5. On page 3, between lines 22 and 23, insert the following new sections:

"Section 2. [NEW MATERIAL] HUMAN TRAFFICKING--CIVIL REMEDY FOR HUMAN TRAFFICKING VICTIMS.--

A. A human trafficking victim may bring a civil action in any court of competent jurisdiction for actual damages, compensatory damages, punitive damages, injunctive relief or any other appropriate relief. Where the court finds that a defendant's actions were willful and malicious, the court may award treble damages to the plaintiff. A prevailing plaintiff is also entitled to recover reasonable attorney fees and costs.

B. A civil action pursuant to this section shall be forever barred unless the action is filed within ten years from the date on which:

(1) the defendant's human trafficking actions occurred; or

(2) the victim attains eighteen years of age if the victim was a minor when the defendant's actions occurred.

Section 3. Section 31-22-8 NMSA 1978 (being Laws 1981, Chapter 325, Section 8, as amended) is amended to read:

"31-22-8. CRIMES ENUMERATED.--

A. The crimes to which the Crime Victims Reparation Act applies and for which reparation to victims may be made are the following enumerated offenses and all other offenses in which any enumerated offense is necessarily included:

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- (1) arson resulting in bodily injury;
- (2) aggravated arson;
- (3) aggravated assault or aggravated battery;
- (4) dangerous use of explosives;
- (5) negligent use of a deadly weapon;
- (6) murder;
- (7) voluntary manslaughter;
- (8) involuntary manslaughter;
- (9) kidnapping;
- (10) criminal sexual penetration;
- (11) criminal sexual contact of a minor;
- (12) homicide by vehicle or great bodily injury by vehicle, as provided in Section 66-8-101 NMSA 1978;
- (13) abandonment or abuse of a child;
- (14) aggravated indecent exposure, as provided in Section 30-9-14.3 NMSA 1978; [~~and~~]
- (15) aggravated stalking, as provided in Section 30-3A-3.1 NMSA 1978; and
- (16) human trafficking.

B. No award shall be made for any loss or damage to property."".

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6. Renumber the succeeding sections accordingly.

7. On page 4, line 6, after the period, insert:

"A victim's ability to cooperate shall be determined by the court if the issue is raised by a human trafficking victim advocate or a victim's advocate from the district attorney's office who shall be provided immediately upon identification of the victim."

8. On page 4, between lines 17 and 18, insert the following new paragraphs:

"(8) child care;

(9) legal assistance;

(10) state-funded cash assistance;"

9. Renumber the succeeding paragraphs accordingly.

10. On page 4, line 22, after "department" insert "or the human services department".

11. On page 4, line 23, strike the comma and insert in lieu thereof a colon and the paragraph designation "(1)".

12. On page 4, line 24, strike "by a", strike line 25, and on page 5, strike line 1 and insert in lieu thereof:

", as provided in Section 1 of this act; and

(2) "human trafficking victim advocate" means a person provided by the human services department through a nonprofit agency with expertise in providing services for victims of crime."

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13. On page 5, lines 19 and 20, strike "representatives of local law enforcement and state police from critical geographic areas" and insert in lieu thereof "one representative of a local law enforcement agency from a critical geographic area".

14. On page 5, line 23, before "representatives", insert "two".

15. On page 6, between lines 8 and 9, insert the following new paragraph:

"(3) collect and organize data on the interrelationship between human trafficking and the incidence of disabilities and determine the availability of disabilities services to human trafficking victims;".

16. Renumber the succeeding paragraphs accordingly.

17. On page 8, line 5, strike "3" and insert in lieu thereof "5" and strike "and".

18. On page 8, lines 6 and 7, strike "two hundred fifty thousand dollars (\$250,000)" and insert in lieu thereof "one hundred twenty-five thousand dollars (\$125,000)".

19. On page 8, line 9, strike "2" and insert in lieu thereof "4" and strike the period and insert in lieu thereof "; and".

20. On page 8, between lines 9 and 10, insert the following new paragraph:

"(3) one hundred twenty-five thousand dollars (\$125,000) to the human services department to provide benefits and services to human trafficking victims in accordance with Section 4 of this act.".,

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and thence referred to the **FINANCE COMMITTEE.**

Respectfully submitted,

Cisco McSorley, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Adair, Cravens, Sanchez, M.

Absent: None

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