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SENATE MEMORIAL 62

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Lisa A. Torraco

A MEMORIAL

REQUESTING THAT A TASK FORCE BE FORMED TO STUDY AND REPORT ITS FINDINGS ON THE DELIVERY OF SERVICES TO SEXUALLY EXPLOITED MINORS AND ON THE EFFECTS OF A SAFE HARBOR LAW ON THE DELIVERY OF SERVICES.

WHEREAS, minors in New Mexico are children under the age of eighteen; and

WHEREAS, when a child is found delinquent in New Mexico, a court may make disposition for the supervision, care and rehabilitation of the child pursuant to Section 32A-2-19 NMSA 1978; and

WHEREAS, federal law enforcement recognizes sexually exploited children as victims of a crime; and

WHEREAS, eighteen other states have enacted some form of "safe harbor" laws that view sexually exploited minor children

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1 as victims in need of rehabilitation; and

2 WHEREAS, in general, law enforcement in New Mexico
3 currently follows this practice without any specific law; and

4 WHEREAS, it is generally considered that "safe harbor"
5 laws regarding human trafficking and prostitution can prevent
6 minor victims of sex trafficking from being prosecuted for
7 prostitution and can protect child victims of sex trafficking
8 from further exploitation by providing them with specialized
9 services; and

10 WHEREAS, in New Mexico, there are some resources for the
11 rehabilitation of minors, but they are insufficient; and

12 WHEREAS, New Mexico may see more instances of trafficking
13 in the near future; and

14 WHEREAS, the criminal justice reform subcommittee of the
15 courts, corrections and justice committee was formed at the end
16 of the 2014 interim period and will reconvene in April 2014;
17 and

18 WHEREAS, the criminal justice reform subcommittee is
19 examining all aspects of New Mexico's Criminal Code and
20 procedure, including issues surrounding prostitution and human
21 trafficking; and

22 WHEREAS, it is important for the criminal justice reform
23 subcommittee to hear information about human trafficking in New
24 Mexico;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

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1 OF NEW MEXICO that a task force be formed to study the delivery
2 of services to sexually exploited minors in New Mexico and the
3 effect that passage of a "safe harbor" law might have currently
4 and in the future on delivery of those services and programs
5 for sexually exploited minors; and

6 BE IT FURTHER RESOLVED that ten members of the public with
7 expertise in human trafficking be appointed to the task force.
8 The president pro tempore of the senate, the minority floor
9 leader of the senate, the speaker of the house of
10 representatives and the minority floor leader of the house of
11 representatives shall each appoint one member. The New Mexico
12 legislative council shall appoint the remaining six members;
13 and

14 BE IT FURTHER RESOLVED that the task force invite
15 participation and presentations from community groups and law
16 enforcement organizations involved with human trafficking
17 issues; and

18 BE IT FURTHER RESOLVED that the children, youth and
19 families department be invited to participate in the task
20 force; and

21 BE IT FURTHER RESOLVED that the task force report to the
22 appropriate legislative interim committee that studies justice
23 issues, the appropriate legislative interim committee
24 addressing criminal justice reform and the legislative health
25 and human services committee no later than November 2014 and

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1 that a copy of the task force's report be made public; and
2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the co-chairs of the New Mexico legislative
4 council.

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