

1 A MEMORIAL

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

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

9 WHEREAS, when a child is found delinquent in New Mexico,  
10 a court may make disposition for the supervision, care and  
11 rehabilitation of the child pursuant to Section 32A-2-19 NMSA  
12 1978; and

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

15 WHEREAS, eighteen other states have enacted some form of  
16 "safe harbor" laws that view sexually exploited minor  
17 children as victims in need of rehabilitation; and

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

20 WHEREAS, it is generally considered that "safe harbor"  
21 laws regarding human trafficking and prostitution can prevent  
22 minor victims of sex trafficking from being prosecuted for  
23 prostitution and can protect child victims of sex trafficking  
24 from further exploitation by providing them with specialized  
25 services; and

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

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

5           WHEREAS, the criminal justice reform subcommittee of the  
6 courts, corrections and justice committee was formed at the  
7 end of the 2014 interim period and will reconvene in April  
8 2014; and

9           WHEREAS, the criminal justice reform subcommittee is  
10 examining all aspects of New Mexico's Criminal Code and  
11 procedure, including issues surrounding prostitution and  
12 human trafficking; and

13           WHEREAS, it is important for the criminal justice reform  
14 subcommittee to hear information about human trafficking in  
15 New Mexico;

16           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
17 STATE OF NEW MEXICO that a task force be formed to study the  
18 delivery of services to sexually exploited minors in  
19 New Mexico and the effect that passage of a "safe harbor" law  
20 might have currently and in the future on delivery of those  
21 services and programs for sexually exploited minors; and

22           BE IT FURTHER RESOLVED that ten members of the public  
23 with expertise in human trafficking be appointed to the task  
24 force. The president pro tempore of the senate, the minority  
25 floor leader of the senate, the speaker of the house of

1 representatives and the minority floor leader of the house of  
2 representatives shall each appoint one member. The  
3 New Mexico legislative council shall appoint the remaining  
4 six members; and

5 BE IT FURTHER RESOLVED that the task force invite  
6 participation and presentations from community groups and law  
7 enforcement organizations involved with human trafficking  
8 issues; and

9 BE IT FURTHER RESOLVED that the children, youth and  
10 families department be invited to participate in the task  
11 force; and

12 BE IT FURTHER RESOLVED that the task force report to the  
13 appropriate legislative interim committee that studies  
14 justice issues, the appropriate legislative interim committee  
15 addressing criminal justice reform and the legislative health  
16 and human services committee no later than November 2014 and  
17 that a copy of the task force's report be made public; and

18 BE IT FURTHER RESOLVED that copies of this memorial be  
19 transmitted to the co-chairs of the New Mexico legislative  
20 council. \_\_\_\_\_

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