

HOUSE BILL 232

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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AN ACT

RELATING TO HUMAN TRAFFICKING; INCREASING THE PENALTIES FOR
HUMAN TRAFFICKING GENERALLY AND FOR TRAFFICKING INDIVIDUALS
UNDER THE AGE OF EIGHTEEN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-52-1 NMSA 1978 (being Laws 2008,
Chapter 17, Section 1) is amended to read:

"30-52-1. HUMAN TRAFFICKING.--

A. Human trafficking consists of a person
knowingly:

(1) recruiting, soliciting, enticing,
transporting or obtaining by any means another person with the
intent or knowledge that force, fraud or coercion will be used
to subject the person to labor, services or commercial sexual
activity;

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underscored material = new
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underscored material = new
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1 (2) recruiting, soliciting, enticing,
2 transporting or obtaining by any means a person under the age
3 of eighteen years with the intent or knowledge that the person
4 will be caused to engage in commercial sexual activity; or

5 (3) benefiting, financially or by receiving
6 anything of value, from the labor, services or commercial
7 sexual activity of another person with the knowledge that
8 force, fraud or coercion was used to obtain the labor, services
9 or commercial sexual activity.

10 B. The attorney general and the district attorney
11 in the county of jurisdiction have concurrent jurisdiction to
12 enforce the provisions of this section.

13 C. Whoever commits human trafficking is guilty of a
14 [~~third degree~~] second degree felony; except if the victim is
15 under the age of

16 [~~(1) sixteen, the person is guilty of a second~~
17 ~~degree felony; or~~

18 [~~(2) thirteen, the person is guilty of a first~~
19 ~~degree felony] eighteen, the person is guilty of a first degree
20 felony.~~

21 D. Prosecution pursuant to this section shall not
22 prevent prosecution pursuant to any other provision of the law
23 when the conduct also constitutes a violation of that other
24 provision.

25 E. In a prosecution pursuant to this section, a

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1 human trafficking victim shall not be charged with accessory to
2 the crime of human trafficking.

3 F. A person convicted of human trafficking shall,
4 in addition to any other punishment, be ordered to make
5 restitution to the victim for the gross income or value of the
6 victim's labor or services and any other actual damages in
7 accordance with Section 31-17-1 NMSA 1978.

8 G. As used in this section:

9 (1) "coercion" means:

10 (a) causing or threatening to cause harm
11 to any person;

12 (b) using or threatening to use physical
13 force against any person;

14 (c) abusing or threatening to abuse the
15 law or legal process;

16 (d) threatening to report the
17 immigration status of any person to governmental authorities;
18 or

19 (e) knowingly destroying, concealing,
20 removing, confiscating or retaining any actual or purported
21 government document of any person; and

22 (2) "commercial sexual activity" means any
23 sexual act or sexually explicit exhibition for which anything
24 of value is given, promised to or received by any person."

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