

LFC Requester:	Jacobs, Henry
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/22/26 *Check all that apply:*
Bill Number: SB 32 Original Correction
 Amendment Substitute

Sponsor: Sen. Heather Berghmans **Agency Name and Code** AOC
Short Title: Prosecution of Human Trafficking **Number:** 218
Person Writing Kathleen Sabo
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with SB 41 (also amending Section 30-8-1 NMSA 1978) and HB 60 (also amending Section 31-26-3 NMSA 1978).

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 32 amends statutory sections relating to human trafficking and sexual exploitation of children as follows:

- **Section 30-1-8 NMSA 1978:** provides for a six year limitation period from the time when the crime was reported to law enforcement for a second degree human trafficking crime pursuant to Section 30-52-1 NMSA 1978, governing human trafficking.

- **Section 30-6A-4 NMSA 1978:** increases the age for sexual exploitation of children by prostitution from 16 to 18. Provides that in a prosecution for sexual exploitation of children by prostitution, it shall not constitute a defense to prosecution that the defendant's intended victim was a peace officer posing as a child under 18.

- **Section 30-52-1 NMSA 1978:**

- o Expands the crime of human trafficking to include harboring, maintaining, patronizing or providing by any means another person with specified intent or knowledge.

- o Clarifies that the crime applies when a person benefitting knew or should have known that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity.

- o Expands the crime to include utilizing a person's services to compel the repayment of a financial debt or other obligation when the person who holds or enforces the debt or obligation does not pay the laborer in accordance with state and local law and has actual or perceived control over the laborer, and the laborer has no reasonable means to terminate the labor arrangement.

- o Provides a first degree felony penalty when the victim is under 18. Provides a second degree felony penalty for human trafficking.

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- Provides that each violation of this section constitutes a separate offense and shall not merge with any other offense.

- o Prohibits a human trafficking victim from being charged with prostitution as provided in Section 30-9-2 NMSA 1978.

- o Expands the definition of "coercion" to include using physical restraint. Defines "harm" to mean any harm that is sufficiently serious, under all of the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing compelled labor, services or commercial sexual activity to avoid or attempt to avoid receiving harm.

- o Lists the facts or conditions, evidence of which in a prosecution for human trafficking, shall not constitute a defense to prosecution.

- o Provides that a person convicted of human trafficking pursuant to this section shall be subject to the Forfeiture Act.

- **Section 31-26-3 NMSA 1978:** defines "criminal offense" as used in the Victims of Crime Act to include human trafficking, as provided in Section 30-52-1 NMSA 1978,

and sexual exploitation of children, as provided in Section 30-6A-3 NMSA 1978.

- **Section 33-2-34 NMSA 1978:** includes human trafficking, as provided in Section 30-52-1 NMSA 1978 within the definition of “serious violent offense” when determining eligibility for earned meritorious deductions.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions and forfeiture proceedings, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services

SIGNIFICANT ISSUES

1) Under the federal Eliminating Limits to Justice for Child Sex Abuse Victims Act, 18 U.S.C. Section 2255, there is no statute of limitations for criminal child sex abuse charges under federal law and, in terms of scope, the Act applies to human trafficking as well as child sexual abuse civil claims. See National State Law Survey: Statute of Limitations, 2018 for a listing of state statute of limitations law related to human trafficking at https://sharedhope.org/PICframe8/statesurveycharts/NSL_Survey_StatuteofLimitations.pdf .

2) According to the National Conference of State Legislatures (NCSL), as of January 14, 2026, State lawmakers have legislated several criminal protections and civil remedies for trafficking victims in the judicial system. Measures have provided immunity to, diversion from, and affirmative defenses against, criminal prosecution for actions victims were forced to commit by their traffickers. Laws additionally create mechanisms to seal, vacate or expunge previous criminal convictions and provide for civil standing and restitution procedures that enable survivors to recover financially from their traffickers.

See [Judicial Protections, Remedies, and Restitution for Human Trafficking](#), NCSL, January 14, 2026. See also, [Public Awareness of Human Trafficking](#), NCSL, January 8, 2026.

In a 2019 grading, New Mexico placed 47th out of the 50 states and the District of Columbia and received a “D” grade related to its provisions for addressing human trafficking. See Criminal Provisions for Human Trafficking: Rankings, State Grades and Challenges, Meshelemiah, 2019 at: <https://pdfs.semanticscholar.org/c399/0c76b9eba813d33a00dc3a97335e0ea15435.pdf> This article sets out the categories of laws that are deemed critical to a basic legal framework for combatting human trafficking, according to Polaris, the self-described survivor-centered, justice- and equity-driven movement to end human trafficking and the operator of the U.S. National Human Trafficking Hotline (www.polarisproject.org), as follows:

1. Sex trafficking [a statute that criminalizes sex trafficking and its elements of force, fraud, or coercion to engage in commercialized sex].
2. Labor trafficking [a statute that criminalizes behaviors that compel a person to provide labor or services through force, fraud, or coercion].
 - a) Asset forfeiture for Human Trafficking [a statute that amends the Racketeer Influential and Corrupt Organizations (RICO) Act statutes so that forfeiture of assets acquired with proceeds or used in the course of human trafficking are included] and b) Investigative

tools for law enforcement[a statute that amends the Racketeer Influential and Corrupt Organizations (RICO) Act statutes so that wiretapping by law enforcement is permitted during human trafficking investigations].

a) Training on human trafficking for law enforcement [a statute that requires or encourages law enforcement officers to become educated on human trafficking] and b) Human trafficking commission or task force [a statute that creates, establishes or encourages the creation of any of the following: A commission, task force or advisory committee on human trafficking].

3. Lower burden of proof for sex trafficking of minors [a statute that aligns with the federal level Trafficking Victims Protection Act that eliminates the need for minors who are sex trafficked to show proof of force, fraud, or coercion].

4. Posting a human trafficking hotline [a statute that encourages or requires the public posting of a human trafficking hotline number that is run at the state level or national level (e.g., National Human Trafficking Resource Center hotline that is run by Polaris)].

5. Safe harbor: Protecting sexually exploited minors [a statute that includes immunity from prosecution or diversion and welfare services for the child victim].

6. Victim assistance [a statute that provides assistance, requires the creation of a formal plan for victim services, or funds actual programming for trafficked persons.]

7. Access to civil damages [a statute that allows trafficked victims to sue their traffickers and pursue civil damages.]

8. Vacating convictions for sex trafficking victims [a statute that permits prostitution convictions to be vacated when the prostitution was the result of sex trafficking]

See also <https://reportcards.sharedhope.org/year2023/newmexico/> , where New Mexico was given an “F” grade on a report card on child and youth sex trafficking, as of 2023, and access New Mexico’s 2023 report at <https://reportcards.sharedhope.org/wp-content/uploads/2024/02/2023-State-Report-NM.pdf> .

3) The SB 32 amendments increasing penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury trials. Indigent offenders are entitled to public defender services.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with SB 41 (also amending Section 30-8-1 NMSA 1978) and HB 60 (also amending Section 31-26-3 NMSA 1978).

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS