

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(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: 1-23-26 *Check all that apply:*
Bill Number: SB-32 Original Correction
 Amendment Substitute

Sponsor: <u>Berghmans/L. Trujillo</u>	Agency Name and Code	<u>AODA 264</u>
Short Title: <u>Prosecution of Human Trafficking</u>	Number:	
	Person Writing	<u>Dustin O'Brien</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(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						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

SB 32 extends the statute of limitations for second-degree human trafficking to six years from the date the offense is reported.

The bill adds a definition for harm that includes physical and non-physical harm, psychological harm, financial harm and reputational harm.

The bill clarifies and expands the statutory elements of trafficking crimes and disallows merger of separate acts making each violation of the statute a separate offense.

The bill prohibits a defense that the person being solicited for sexual exploitation is a peace officer posing as a child under 18 years of age.

The bill limits defenses that involve a victim's sexual history, consent of a minor, mistake as to a victim's age and allows anyone convicted to be subject to the forfeiture act.

SB 32 also allows the court to limit earned meritorious deductions for individuals convicted of human trafficking by finding the resulting harm makes it a serious violent offense.

Additionally, the bill raises the age threshold for victims of sexual exploitation through prostitution from 16 to 18 and incorporates these minors into the protections of the Victims of Crime Act

FISCAL IMPLICATIONS

It is unlikely that there will be a significant increase in the number of prosecutions and while the tools afforded by this bill will allow improved enforcement and prosecution it would have a significant financial impact. There would be minimal training that would be required and that would be incorporated into current in-service and legal education programs.

SIGNIFICANT ISSUES

The changes would improve public safety by allowing for better enforcement and prosecution of a significant problem in the State of New Mexico and by closing gaps in the human-trafficking statutes. By defining "harm" to include psychological, financial, and reputational coercion, the bill ensures that the law reflects the actual methods traffickers use to compel victims, rather than limiting prosecution to cases involving physical force or coercion. Prohibiting the use of a victim's sexual history, the consent of a minor, mistake of age, or the fact that the intended victim was an undercover officer posing as a child remove common defense strategies that undermine trafficking cases and retraumatized victims. These changes would strengthen enforcement and enhance the State's ability to hold traffickers accountable while protecting vulnerable minors.

PERFORMANCE IMPLICATIONS

SB 32 would enable law enforcement and prosecutors to pursue cases that previously fell outside the reach of the statute, potentially increasing the number of actionable investigations and successful prosecutions. It would also allow for more significant consequences to those convicted of human trafficking if a court finds the conduct to be a serious violent offense.

ADMINISTRATIVE IMPLICATIONS

There would be minor training for justice partners that would be incorporated into already structured training programs.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status Quo

AMENDMENTS