

LFC Requester:

Henry Jacobs

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: January 22, 2026

Check all that apply:

Bill Number: SB 32

Original Correction
Amendment Substitute

Sponsor: Sen. Heather Berghmans and
Sen. Linda M. Trujillo

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Prosecution of Human
Trafficking

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

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: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act – N/A

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: SB 32 would amend the criminal offenses of human trafficking and sexual exploitation of children. Specifically, this bill seeks to do the following:

Section 1 of SB 32 would add language to Section 30-1-8 NMSA 1978 (governing time limits for commencing prosecution) to permit prosecution of a second-degree human trafficking crime within six years of the crime being reported to law enforcement.

Section 2 of SB 32 would increase the age cap for the offense of Sexual Exploitation of Children by Prostitution, found in Section 30-6A-4 NMSA, from children under the age of 16 to children under the age of 18.

It would also add a subsection to Section 30-6A-4 that would bar a criminal defendant charged with sexual exploitation of children by prostitution from using, as a defense to the charge, that the intended victim was a peace officer posing as a child under the age of 18.

Section 3 of SB 32 would add language to Section 30-52-1 (prohibiting human trafficking). It would amend Section 30-52-1(A) to expand the elements of human trafficking to include “harboring, maintaining, patronizing, or providing” a victim; to add a new subsection prohibiting anyone from compelling someone to perform a service for them in order to pay off a debt; and to add “knew or should have known” to the knowledge element of the offense in Section 30-52-1(A)(3).

Next, it would amend Section 30-52-1(C) to increase the severity of the offense. It would make human trafficking a second-degree felony, instead of a third-degree felony, unless the victim is under the age of 18 (an increase from the current 16), in which case it is a first-degree felony.

This Section of the bill would also add language to Section 30-52-1(D) expressly stating that each violation of the section prohibiting human trafficking constitutes a separate offense that does not merge with any other offense.

It would also amend Section 30-52-1(E), to prohibit a human trafficking victim from being charged with prostitution, in addition to the existing language prohibiting such a victim from being charged with accessory to human trafficking.

Next, SB 32 would amend the definition of “coercion” in Section 30-52-1(G)(1) to add the use of physical restraint. It would also add a definition for “harm” in what would be Section 30-52-1(G)(3). This definition would encompass physical, psychological, financial, and reputational harm.

Section 3 of this bill also proposes to add a Subsection (H) to Section 30-52-1 that would eliminate specific acts or conditions from being a defense to prosecution for human trafficking, including as a victim’s sexual history, consent of a minor, mistake as to victim’s age, or that victim was in fact a peace officer.

Finally, Section 3 of this bill would add a Subsection (I) to Section 30-52-1, requiring that a person convicted of human trafficking also be subject to the Forfeiture Act.

Section 4 of SB 32 would add victims of human trafficking and sexual exploitation to the enumerated list of victims covered by the Victims of Crime Act under Section 31-26-3.

Section 5 of SB 32 would list human trafficking as an optional serious violent offense under Section 33-2-34(N), as to be determined by a judge, which may bar a defendant convicted of human trafficking from earned meritorious deductions while incarcerated.

FISCAL IMPLICATIONS – N/A

SIGNIFICANT ISSUES

Section 5: Amendment to Eligibility for Earned Meritorious Deductions
Adding Human Trafficking to the list of optional charges under Section 33-2-34(N)(4)(o). This amendment seeks to add human trafficking to the list of optional serious violent offenses. A judge must still make a factual finding that the nature of the offense and its resulting harm are sufficient to justify the crime to be designated as a serious violent offense. It would not be an automatic serious violent offense.

PERFORMANCE IMPLICATIONS

Charging, sentencing, and statute of limitations amendments to Human Trafficking statutes will impact law enforcement and prosecutorial decision-making by NMDOJ special agents and prosecutors.

ADMINISTRATIVE IMPLICATIONS – N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship with House Bill 147, which requires posters with information about human trafficking to be displayed in lodging facilities, and requiring related training by lodging facility operators.

TECHNICAL ISSUES– N/A

OTHER SUBSTANTIVE ISSUES

Section 2 Amendment to NMSA 30-6A-4 NMSA 1978

This portion of the bill would increase the child's age from 16 to 18 for this section, which would mean that the law would be expanded to protect all minors, including those in the 16 to 18 age group. This would no longer match NMSA 1978 Section 30-37-3.2 for Child Solicitation by Electronic Communication Device, which is still limited to children under the age of 16. These offenses are often charged together, and it may impact prosecutorial decisions if the two cover different age ranges.

ALTERNATIVES – N/A

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

AMENDMENTS – N/A