

LFC Requester:	
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**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** \_\_\_\_\_ *Check all that apply:*  
**Bill Number:** SB032 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b> <u>H Berghmans, L Trujillo</u>	<b>Agency Name and Code</b> <u>CYFD - 690</u>
<b>Short Title:</b> <u>PROSECUTION OF HUMAN TRAFFICKING</u>	<b>Number:</b> _____
	<b>Person Writing</b> <u>Kathleen Hardy</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
<b>Total</b>						

(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**

Synopsis: This bill amends existing statutes concerning human trafficking as follows:

- Requires that a prosecution for second degree human trafficking be commenced from within six years of report to law enforcement;
- Raises the age for sexual exploitation of children by prostitution from sixteen years to under eighteen years;
- Prohibits a defendant being prosecuted for sexual exploitation of children by prostitution from using the defense that the intended victim was a peace officer posing as a child under eighteen years of age;
- Expands the definition of human trafficking to include “harboring, maintaining, patronizing, [or] providing” by any means another person.
- Expands the culpability of a person benefiting from force, fraud, or coercion of another human from “had knowledge of” to include “should have known”.
- Requires that each violation shall be considered a separate offense.
- Prohibits a human trafficking victim from being charged for prostitution.
- Expands the definition of coercion to include physical restraint.
- Adds a definition of “harm”.
- Prohibits the defense from using a victim’s sexual history, consent of a minor, or mistake as to age in the defense.
- Provides that a person convicted of human trafficking shall be subject to the Forfeiture Act.
- Prohibits a person convicted of human trafficking from earning meritorious deductions.

### **FISCAL IMPLICATIONS**

There is no appropriation contained within this bill. There are no fiscal implications for CYFD.

### **SIGNIFICANT ISSUES**

Amending the age from sixteen to under eighteen increases protections for vulnerable youth, while prohibiting the defense from raising a victim’s conduct or arguing that a minor can consent to their own exploitation increases the likelihood that victims will come forward and cooperate with prosecution.

This bill supports efforts to combat human trafficking could be improved by adding terms like “harboring,” “maintaining,” “patronizing,” and “providing” to human trafficking legislation as it targets a broader range of perpetrators; helps dismantle trafficking operations more effectively; and protects victims by holding accountable those who contribute to or support trafficking activities. This bill also strengthens human trafficking laws by ensuring that traffickers cannot evade justice through common defenses like questioning the victim’s consent or prior sexual history, and by expanding the definition of harm to fully capture the types of abuse that victims endure as well as targeting traffickers’ financial gains through asset forfeiture thus making it more difficult for them to profit from their crimes. This bill improves existing law to create a more comprehensive legal framework to combat human trafficking, support victims, and hold perpetrators accountable.

CYFD Behavioral Health Services (BHS) provides services for Domestic Minor Sex Trafficking (DMST) survivors through its Safe House program. A safe house delivers trauma responsive,

supportive, gender competent services to Domestic Minor Sex Trafficking (“DMST”) survivors between the ages of 14 to 18 on a twenty-four hour a day basis in a secure and undisclosed facility location. This includes on-site supervision, individual and group therapeutic treatment, case management, and referrals to appropriate community resources. DMST survivors affected by this bill might be eligible for services through this program.

CYFD BHS also oversees implementation of the Child Sexual Exploitation Identification Tool (CSE-IT). Contracted youth shelter providers must complete the CSE-IT Tool with each child aged 10 years and older and within seven days of admission into services. The CSE-IT is an evidence-based tool used to assist professionals who interact with youth who identify indicators of commercial sexual exploitation. All shelter providers are trained and required to use this tool and follow CSE-IT Response Protocol when assessment findings reflect immediate physical health, behavioral health and safety needs of the child. Early identification of the DMST population through this tool and subsequent referral to necessary behavioral health and physical health care services is related to DMST survivors who may potentially be impacted by the passage of this bill.

### **PERFORMANCE IMPLICATIONS**

CYFD has performance measures concerning the safety and well-being of children which may be affected by this bill.

### **ADMINISTRATIVE IMPLICATIONS**

There are no administrative implications for CYFD.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None identified.

### **TECHNICAL ISSUES**

None identified.

### **OTHER SUBSTANTIVE ISSUES**

None identified.

### **ALTERNATIVES**

None proposed.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Failure to enact the bill could have serious consequences, leaving vulnerable children at greater risk of exploitation and trafficking. Without increased criminal penalties, offenders may face inadequate deterrence, potentially allowing trafficking networks to operate with less fear of prosecution. Enhanced legal tools, such as this bill, will support the collaborative effort of identification of DMST survivors and can provide additional services for survivors.

### **AMENDMENTS**

None proposed.