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LFC Requester:	Henry Jacobs
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AGENCY BILL ANALYSIS – 2026 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: 22 JAN 2026 *Check all that apply:*
Bill Number: SB 32 Original Correction
 Amendment Substitute

Sponsor: Heather Berghmans **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Prosecution of Human Trafficking **Person Writing:** Emmanuel Gutierrez
Title: Trafficking **Phone:** 505-917-2952 **Email:** Emmanuel.gutierrez@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	NFI	N/A	N/A
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(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

Senate Bill 32 enhances New Mexico’s laws on human trafficking and sexual exploitation by extending the statute of limitations for specific trafficking offenses to six years from the date the crime is reported. The bill increases the age threshold for victims of sexual exploitation by prostitution from sixteen to eighteen and broadens the elements of human trafficking, including clarifying liability for those who profit from trafficking and defining “harm” to include nonphysical injuries. It eliminates certain defenses in trafficking and sexual exploitation cases, such as consent of a minor or mistaken age, and adds these offenses to the Victims of Crime Act to ensure victims receive statutory protections and services. Additionally, the bill raises penalties by upgrading certain trafficking offenses to higher-degree felonies and disallows individuals convicted of human trafficking from earning meritorious sentence deductions.

FISCAL IMPLICATIONS

No fiscal implications for DPS.

SIGNIFICANT ISSUES

Constitutional Analysis: Ex Post Facto Clause

There can be constitutional concerns when the Legislature extends a statute of limitations for crimes, but the key is in the application. Although the extension of a statute of limitations cannot revive a previously time-barred prosecution, *see Stogner v. California*, 539 U.S. 607 (2003), the New Mexico Supreme Court has determined that the Legislature “can extend an unexpired limitation period because such extension does not impair vested rights acquired under prior law, require new obligations, impose new duties, or affix new disabilities to past transactions.” *State v. Morales*, 2010-NMSC-026, ¶ 1, 148 N.M. 305, 236 P.3d 24. Thus, extending the statute of limitations for crimes that have not yet expired or crimes that have not yet occurred is permissible.

PERFORMANCE IMPLICATIONS

DPS supports Senate Bill 32 by updating law enforcement tools for investigating and prosecuting human trafficking and sexual exploitation offenses. By extending the statute of limitations for human trafficking and clarifying statutory elements—such as broadening the definition of harm and removing certain defenses—SB 32 improves DPS’s ability to build trauma-informed cases that recognize the realities victims face. These realities often delay reporting due to fear or coercion, and this bill helps alleviate that issue. The current statutes related to human trafficking are not sufficient to meet the public safety challenges our state is facing, this bill would help change that. The crime of human trafficking has evolved over time and many of the most prevalent forms currently being seen by law enforcement are not able to be addressed with proper prosecution

using the current law. This bill will provide the tools law enforcement needs to address the evolving crime trends.

DPS also supports providing training and guidance for state police and partner agencies to ensure consistent enforcement of the updated laws, especially regarding offenses involving minors under eighteen and new evidentiary standards.

Additionally, DPS would support the bill through coordinated, victim-centered responses and interagency collaboration. By including victims of human trafficking and sexual exploitation in the Victims of Crime Act, SB 32 strengthens DPS's role in linking victims to services, compensation, and protections during investigations. DPS would also advance policy goals by working with prosecutors, the Attorney General's Office, and community partners to enhance reporting, intelligence sharing, and enforcement efforts, while acknowledging the bill's accountability measures—such as stricter penalties and limits on earned meritorious deductions—as tools that bolster deterrence and public safety across the state.

ADMINISTRATIVE IMPLICATIONS

Although SB 32 does not require new funding, its implementation will require administrative coordination across multiple DPS divisions and partner agencies. These efforts are administrative in nature and can be addressed within existing operational structures.

1. DPS divisions will need to update internal policies and procedures to reflect changes in the law, ensuring staff have clear and consistent guidance.
2. Records and reporting processes may require adjustments to ensure information is entered accurately and shared consistently across DPS units and partner agencies.
3. Statewide charge and offense codes will need to be updated once revised charge codes are received from the Administrative Office of the District Attorney (AODA) to support uniform charge reporting and livescan systems for detention facilities and law enforcement agencies.
4. The master charge code list has not been updated since August 2023, which has affected Livescan fingerprinting systems used statewide. Updating these codes will improve the accuracy of arrest reporting into the DPS Criminal History Repository and federal systems.
5. Continued coordination with partner agencies and IT staff will strengthen statewide and federal crime reporting and support accurate, victim-centered data collection.

DPS views these administrative actions as an opportunity to improve consistency, accuracy, and coordination across the criminal justice system and remains committed to working collaboratively to ensure effective implementation of SB 32.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

The Department of Public Safety (DPS) supports SB 32. While the bill does not require new funding, it will take coordination and planning to put the law into practice correctly across the state;

1. Updating DPS Criminal Justice Information Systems (CJIS) so they reflect the changes in the law.
2. Making sure crime and arrest records are entered consistently across the state.
3. Communicating, training staff and partner agencies on what has changed and how to apply it.
4. Coordinating with other agencies to update statewide charge and offense codes once the updated charge codes are received from the Administrative Office of the District Attorney (AODA). The master charge code list has not been updated since August 2023, which affects Livescan fingerprinting systems used across the state. These delays impact how arrest charges are reported to the DPS Criminal History Repository and shared with the FBI, and they can also affect how law enforcement agencies report crime incidents for statewide and federal reporting purposes.
5. Managing short-term reporting issues while those charge code updates are completed.
6. Continuing to work closely with partner agencies to ensure the law is applied consistently statewide.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None.