

1 SENATE BILL

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Heather Berghmans

10 AN ACT

11 RELATING TO CRIME; REVISING THE TIME LIMITATION FOR COMMENCING  
12 PROSECUTION OF HUMAN TRAFFICKING; INCREASING THE AGE APPLICABLE  
13 TO VICTIMS OF SEXUAL EXPLOITATION OF CHILDREN BY PROSTITUTION  
14 TO EIGHTEEN; AMENDING THE ELEMENTS OF HUMAN TRAFFICKING;  
15 PROVIDING A DEFINITION OF "HARM"; PROHIBITING CERTAIN DEFENSES  
16 IN A PROSECUTION FOR CERTAIN CRIMES; ADDING VICTIMS OF HUMAN  
17 TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN TO THE VICTIMS  
18 OF CRIME ACT; PROHIBITING EARNED MERITORIOUS DEDUCTIONS FOR A  
19 HUMAN TRAFFICKING SENTENCE.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 **SECTION 1.** Section 30-1-8 NMSA 1978 (being Laws 1963,  
23 Chapter 303, Section 1-8, as amended) is amended to read:

24 "30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A  
25 person shall not be prosecuted, tried or punished in any court

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of this state unless the indictment is found or information or  
complaint is filed within the time as provided:

A. for a second degree felony, within six years  
from the time the crime was committed;

B. for a third or fourth degree felony, within five  
years from the time the crime was committed;

C. for a misdemeanor, within two years from the  
time the crime was committed;

D. for a petty misdemeanor, within one year from  
the time the crime was committed;

E. for any crime against or violation of Section  
51-1-38 NMSA 1978, within three years from the time the crime  
was committed;

F. for a felony pursuant to Section 7-1-71.3,  
7-1-72 or 7-1-73 NMSA 1978, within five years from the time the  
crime was committed; provided that for a series of crimes  
involving multiple filing periods within one calendar year, the  
limitation shall begin to run on December 31 of the year in  
which the crimes occurred;

G. for an identity theft crime pursuant to Section  
30-16-24.1 NMSA 1978, within five years from the time the crime  
was discovered;

H. for a second degree human trafficking crime  
pursuant to Section 30-52-1 NMSA 1978, within six years from  
when the crime was reported to law enforcement;

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1                   [H.] I. for any crime not contained in the Criminal  
2 Code or where a limitation is not otherwise provided for,  
3 within three years from the time the crime was committed; and

4                   [H.] J. for a capital felony, a first degree  
5 violent felony or second degree murder pursuant to Subsection B  
6 of Section 30-2-1 NMSA 1978, no limitation period shall exist,  
7 and prosecution for these crimes may commence at any time after  
8 the occurrence of the crime."

9                   SECTION 2. Section 30-6A-4 NMSA 1978 (being Laws 1984,  
10 Chapter 92, Section 4, as amended) is amended to read:

11                   "30-6A-4. SEXUAL EXPLOITATION OF CHILDREN BY  
12 PROSTITUTION.--

13                   A. Any person knowingly receiving any pecuniary  
14 profit as a result of a child under the age of [sixteen]  
15 eighteen engaging in a prohibited sexual act with another is  
16 guilty of a second degree felony, unless the child is under the  
17 age of thirteen, in which event the person is guilty of a first  
18 degree felony.

19                   B. Any person knowingly hiring or offering to hire  
20 a child under the age of [sixteen] eighteen to engage in any  
21 prohibited sexual act is guilty of a second degree felony.

22                   C. Any parent, legal guardian or person having  
23 custody or control of a child under [sixteen] eighteen years of  
24 age who knowingly permits that child to engage in or to assist  
25 any other person to engage in any prohibited sexual act or

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1 simulation of such an act for the purpose of producing any  
2 visual or print medium depicting such an act is guilty of a  
3 third degree felony.

4 D. In a prosecution for sexual exploitation of  
5 children by prostitution, it shall not constitute a defense to  
6 prosecution that the defendant's intended victim was a peace  
7 officer posing as a child under eighteen years of age."

8 SECTION 3. Section 30-52-1 NMSA 1978 (being Laws 2008,  
9 Chapter 17, Section 1) is amended to read:

10 "30-52-1. HUMAN TRAFFICKING.--

11 A. Human trafficking consists of a person  
12 knowingly:

13 (1) recruiting, soliciting, enticing,  
14 transporting, harboring, maintaining, patronizing, providing or  
15 obtaining by any means another person with the intent or  
16 knowledge that force, fraud or coercion will be used to subject  
17 the person to labor, services or commercial sexual activity;

18 (2) recruiting, soliciting, enticing,  
19 transporting, harboring, maintaining, patronizing, providing or  
20 obtaining by any means a person under the age of eighteen years  
21 with the intent or knowledge that the person will be caused to  
22 engage in commercial sexual activity; [or]

23 (3) benefiting, financially or by receiving  
24 anything of value, from the labor, services or commercial  
25 sexual activity of another person [with the knowledge] if the

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1       person benefiting knew or should have known that force, fraud  
2       or coercion was used to obtain the labor, services or  
3       commercial sexual activity; or

4               (4) utilizing a person's services to compel  
5       the repayment of a financial debt or other obligation when the  
6       person who holds or enforces the debt or obligation does not  
7       pay the person providing the service in accordance with state  
8       and local law and has actual or perceived control over the  
9       person providing the service, and the person providing the  
10       service has no reasonable means to terminate the service  
11       arrangement.

12               B. The attorney general and the district attorney  
13       in the county of jurisdiction have concurrent jurisdiction to  
14       enforce the provisions of this section.

15               C. Whoever commits human trafficking is guilty of a  
16       [third] second degree felony; except if the victim is under the  
17       age of

18               [(1) sixteen, the person is guilty of a second  
19       degree felony; or

20               (2) thirteen] eighteen, the person is guilty  
21       of a first degree felony.

22               D. Prosecution pursuant to this section shall not  
23       prevent prosecution pursuant to any other provision of the law  
24       when the conduct also constitutes a violation of that other  
25       provision. Each violation of this section constitutes a

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1        separate offense and shall not merge with any other offense.

2            E. In a prosecution pursuant to this section, a  
3        human trafficking victim shall not be charged with accessory to  
4        the crime of human trafficking or for prostitution as provided  
5        in Section 30-9-2 NMSA 1978.

6            F. A person convicted of human trafficking shall,  
7        in addition to any other punishment, be ordered to make  
8        restitution to the victim for the gross income or value of the  
9        victim's labor or services and any other actual damages in  
10      accordance with Section 31-17-1 NMSA 1978.

11            G. As used in this section:

12                (1) "coercion" means:

13                    (a) causing or threatening to cause harm  
14        to or using physical restraint on any person;

15                    (b) using or threatening to use physical  
16        force or restraint against any person;

17                    (c) abusing or threatening to abuse the  
18        law or legal process;

19                    (d) threatening to report the  
20        immigration status of any person to governmental authorities;

21        or

22                    (e) knowingly destroying, concealing,  
23        removing, confiscating or retaining any actual or purported  
24        government document of any person; [and]

25                (2) "commercial sexual activity" means any

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sexual act or sexually explicit exhibition for which anything of value is given, promised to or received by any person; and

(3) "harm" means any harm, whether physical or nonphysical, including psychological, financial or reputational 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.

H. In a prosecution for human trafficking pursuant to this section, evidence of the following facts or conditions shall not constitute a defense to prosecution:

(1) the victim's sexual history or history of commercial sexual activity, specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct and reputational evidence of the victim's sexual conduct;

(2) the consent of a minor;

(3) a mistake as to the victim's age; and

(4) that the defendant's intended victim was a peace officer posing as a child under eighteen years of age.

I. A person convicted of human trafficking pursuant to this section shall be subject to the Forfeiture Act."

SECTION 4. Section 31-26-3 NMSA 1978 (being Laws 1994, Chapter 144, Section 3, as amended) is amended to read:

"31-26-3. DEFINITIONS.--As used in the Victims of Crime

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1       Act:

2               A. "court" means magistrate court, metropolitan  
3       court, children's court, district court, the court of appeals  
4       or the supreme court;

5               B. "criminal offense" means:

6                       (1) negligent arson resulting in death or  
7       bodily injury, as provided in Paragraph (1) of Subsection [B] G  
8       of Section 30-17-5 NMSA 1978;

9                       (2) aggravated arson, as provided in Section  
10      30-17-6 NMSA 1978;

11                       (3) aggravated assault, as provided in Section  
12      30-3-2 NMSA 1978;

13                       (4) aggravated battery, as provided in Section  
14      30-3-5 NMSA 1978;

15                       (5) dangerous use of explosives, as provided  
16      in Section 30-7-5 NMSA 1978;

17                       (6) negligent use of a deadly weapon, as  
18      provided in Section 30-7-4 NMSA 1978;

19                       (7) murder, as provided in Section 30-2-1 NMSA  
20      1978;

21                       (8) voluntary manslaughter, as provided in  
22      Section 30-2-3 NMSA 1978;

23                       (9) involuntary manslaughter, as provided in  
24      Section 30-2-3 NMSA 1978;

25                       (10) kidnapping, as provided in Section 30-4-1

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1 NMSA 1978;

2 (11) criminal sexual penetration, as provided

3 in Section 30-9-11 NMSA 1978;

4 (12) criminal sexual contact of a minor, as

5 provided in Section 30-9-13 NMSA 1978;

6 (13) armed robbery, as provided in Section

7 30-16-2 NMSA 1978;

8 (14) homicide by vehicle, as provided in

9 Section 66-8-101 NMSA 1978;

10 (15) great bodily injury by vehicle, as

11 provided in Section 66-8-101 NMSA 1978;

12 (16) abandonment or abuse of a child, as

13 provided in Section 30-6-1 NMSA 1978;

14 (17) stalking or aggravated stalking, as

15 provided in the Harassment and Stalking Act;

16 (18) aggravated assault against a household

17 member, as provided in Section 30-3-13 NMSA 1978;

18 (19) assault against a household member with

19 intent to commit a violent felony, as provided in Section

20 30-3-14 NMSA 1978;

21 (20) battery against a household member, as

22 provided in Section 30-3-15 NMSA 1978; [or]

23 (21) aggravated battery against a household

24 member, as provided in Section 30-3-16 NMSA 1978;

25 (22) human trafficking, as provided in Section

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1       30-52-1 NMSA 1978; or

2                   (23) sexual exploitation of children, as  
3       provided in Section 30-6A-3 NMSA 1978;

4               C. "court proceeding" means a hearing, argument or  
5       other action scheduled by and held before a court;

6               D. "family member" means a spouse, child, sibling,  
7       parent or grandparent;

8               E. "formally charged" means the filing of an  
9       indictment, the filing of a criminal information pursuant to a  
10      bind-over order, the filing of a petition or the setting of a  
11      preliminary hearing;

12              F. "victim" means an individual against whom a  
13       criminal offense is committed. "Victim" also means a family  
14       member or a victim's representative when the individual against  
15       whom a criminal offense was committed is a minor, is  
16       incompetent or is a homicide victim; and

17              G. "victim's representative" means an individual  
18       designated by a victim or appointed by the court to act in the  
19       best interests of the victim."

20              **SECTION 5.** Section 33-2-34 NMSA 1978 (being Laws 1999,  
21       Chapter 238, Section 1, as amended by Laws 2025, Chapter 29,  
22       Section 1 and by Laws 2025, Chapter 79, Section 4) is amended  
23       to read:

24              "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS  
25       DEDUCTIONS.--

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1                   A. A prisoner confined in a correctional facility  
2 designated by the corrections department may lose earned  
3 meritorious deductions if the prisoner fails to actively  
4 participate in programs recommended for the prisoner by the  
5 classification supervisor and approved by the warden or the  
6 warden's designee.

7                   B. Meritorious deductions shall be awarded for  
8 the remainder of the sentence, after pre-sentence confinement  
9 has been deducted, upon admission to a correctional facility  
10 designated by the corrections department.

11                  C. Meritorious deductions shall not exceed the  
12 following amounts:

13                   (1) for a prisoner confined for committing  
14 a serious violent offense, four days per month;

15                   (2) for a prisoner confined for committing  
16 a nonviolent offense, thirty days per month; and

17                   (3) for a prisoner confined following  
18 revocation of parole, meritorious deductions will be awarded  
19 commensurate with the classification of the offense.

20                  D. A prisoner may lose meritorious deductions  
21 upon recommendation by the classification supervisor, based  
22 upon the prisoner's failure to actively participate in  
23 approved programs and the quality of the prisoner's  
24 participation in those approved programs. A prisoner may not  
25 lose meritorious deductions unless the recommendation of the

1 classification supervisor is approved by the warden or the  
2 warden's designee.

3                   E. If a prisoner's active participation in  
4 approved programs is interrupted by a lockdown at a  
5 correctional facility, the prisoner may not lose meritorious  
6 deductions, unless the warden or the warden's designee  
7 determines that the prisoner's conduct contributed to the  
8 initiation or continuance of the lockdown.

9                   F. A prisoner confined in a correctional facility  
10 designated by the corrections department is eligible for  
11 lump-sum meritorious deductions as follows:

12                   (1) for successfully completing an approved  
13 vocational, substance abuse or mental health program, thirty  
14 days, except when the prisoner has a demonstrable physical,  
15 mental health or developmental disability that prevents the  
16 prisoner from successfully earning a high school equivalency  
17 credential, in which case, the prisoner shall be awarded  
18 ninety days;

19                   (2) for earning a high school equivalency  
20 credential, ninety days;

21                   (3) for earning an associate's degree, one  
22 hundred twenty days;

23                   (4) for earning a bachelor's degree, one  
24 hundred fifty days;

25                   (5) for earning a graduate qualification,

one hundred fifty days; and

(6) for engaging in a heroic act of saving life or property, engaging in extraordinary conduct for the benefit of the state or the public that is at great expense or risk to or involves great effort on the part of the prisoner or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the prisoner's commitment to self-rehabilitation. The classification supervisor and the warden or the warden's designee may recommend the number of days to be awarded in each case based upon the particular merits; but provided that any award shall be determined by the director of the adult institutions division of the corrections department or the director's designee.

G. Lump-sum meritorious deductions, provided in Paragraphs (1) through (6) of Subsection F of this section, may be awarded in addition to the meritorious deductions provided in Subsection C of this section. Lump-sum meritorious deductions shall not exceed one year per award and shall not exceed a total of one year for all lump-sum meritorious deductions awarded in any consecutive twelve-month period.

H. A prisoner may lose meritorious deductions if the prisoner:

(1) disobeys an order to perform labor,

1 pursuant to Section 33-8-4 NMSA 1978;

2 (2) is in disciplinary segregation;

3 (3) is confined for committing a serious

4 violent offense and is within the first sixty days of receipt

5 by the corrections department; or

6 (4) is not an active participant in programs

7 recommended and approved for the prisoner by the

8 classification supervisor.

9 I. The provisions of this section shall not be

10 interpreted as providing eligibility to earn meritorious

11 deductions from a sentence of life imprisonment or a sentence

12 of life imprisonment without possibility of release or

13 parole.

14 J. The corrections department shall promulgate

15 rules to implement the provisions of this section, and the

16 rules shall be matters of public record. A concise summary

17 of the rules shall be provided to each prisoner, and each

18 prisoner shall receive a statement of the meritorious

19 deductions earned upon initial award, if additional awards

20 are given, if meritorious deductions are lost and upon

21 request.

22 K. A New Mexico prisoner confined in a federal or

23 out-of-state correctional facility is eligible to earn

24 meritorious deductions for active participation in programs

25 on the basis of the prisoner's conduct and program reports

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1 furnished by that facility to the corrections department.

2 All decisions regarding the award and forfeiture of  
3 meritorious deductions at such facility are subject to final  
4 approval by the director of the adult institutions division  
5 of the corrections department or the director's designee.

6                   L. In order to be eligible for meritorious  
7 deductions, a prisoner confined in a federal or out-of-state  
8 correctional facility designated by the corrections  
9 department must actively participate in programs that are  
10 available. If a federal or out-of-state correctional  
11 facility does not have programs available for a prisoner, the  
12 prisoner may be awarded meritorious deductions at the rate  
13 the prisoner could have earned meritorious deductions if the  
14 prisoner had actively participated in programs.

15                   M. A prisoner confined in a correctional facility  
16 in New Mexico that is operated by a private company, pursuant  
17 to a contract with the corrections department, is eligible to  
18 earn meritorious deductions in the same manner as a prisoner  
19 confined in a state-run correctional facility. All decisions  
20 regarding the award or forfeiture of meritorious deductions  
21 at such facilities are subject to final approval by the  
22 director of the adult institutions division of the  
23 corrections department or the director's designee.

24                   N. As used in this section:

25                   (1) "active participant" means a prisoner

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1 who has begun, and is regularly engaged in, approved  
2 programs;

3 (2) "program" means work, vocational,  
4 educational, substance abuse and mental health programs,  
5 approved by the classification supervisor, that contribute to  
6 a prisoner's self-betterment through the development of  
7 personal and occupational skills. "Program" does not include  
8 recreational activities;

9 (3) "nonviolent offense" means any offense  
10 other than a serious violent offense; and

11 (4) "serious violent offense" means:

12 (a) second degree murder, as provided  
13 in Section 30-2-1 NMSA 1978;

14 (b) voluntary manslaughter, as  
15 provided in Section 30-2-3 NMSA 1978;

16 (c) third degree aggravated battery,  
17 as provided in Section 30-3-5 NMSA 1978;

18 (d) third degree aggravated battery  
19 against a household member, as provided in Section 30-3-16  
20 NMSA 1978;

21 (e) first degree kidnapping, as  
22 provided in Section 30-4-1 NMSA 1978;

23 (f) first and second degree criminal  
24 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

25 (g) second and third degree criminal

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1 sexual contact of a minor, as provided in Section 30-9-13  
2 NMSA 1978;

3 (h) first and second degree robbery,  
4 as provided in Section 30-16-2 NMSA 1978;

5 (i) second degree aggravated arson, as  
6 provided in Section 30-17-6 NMSA 1978;

7 (j) shooting at a dwelling or occupied  
8 building, as provided in Section 30-3-8 NMSA 1978;

9 (k) shooting at or from a motor  
10 vehicle, as provided in Section 30-3-8 NMSA 1978;

11 (l) aggravated battery upon a peace  
12 officer, as provided in Section 30-22-25 NMSA 1978;

13 (m) assault with intent to commit a  
14 violent felony upon a peace officer, as provided in Section  
15 30-22-23 NMSA 1978;

16 (n) aggravated assault upon a peace  
17 officer, as provided in Section 30-22-22 NMSA 1978; or

18 (o) any of the following offenses,  
19 when the nature of the offense and the resulting harm are  
20 such that the court judges the crime to be a serious violent  
21 offense for the purpose of this section: 1) involuntary  
22 manslaughter, as provided in Section 30-2-3 NMSA 1978; 2)  
23 fourth degree aggravated assault, as provided in Section  
24 30-3-2 NMSA 1978; 3) third degree assault with intent to  
25 commit a violent felony, as provided in Section 30-3-3 NMSA

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1 1978; 4) fourth degree aggravated assault against a household  
2 member, as provided in Section 30-3-13 NMSA 1978; 5) third  
3 degree assault against a household member with intent to  
4 commit a violent felony, as provided in Section 30-3-14 NMSA  
5 1978; 6) third and fourth degree aggravated stalking, as  
6 provided in Section 30-3A-3.1 NMSA 1978; 7) second degree  
7 kidnapping, as provided in Section 30-4-1 NMSA 1978; 8)  
8 second degree abandonment of a child, as provided in Section  
9 30-6-1 NMSA 1978; 9) first, second and third degree abuse of  
10 a child, as provided in Section 30-6-1 NMSA 1978; 10) third  
11 degree dangerous use of explosives, as provided in Section  
12 30-7-5 NMSA 1978; 11) third and fourth degree criminal sexual  
13 penetration, as provided in Section 30-9-11 NMSA 1978; 12)  
14 fourth degree criminal sexual contact of a minor, as provided  
15 in Section 30-9-13 NMSA 1978; 13) third degree robbery, as  
16 provided in Section 30-16-2 NMSA 1978; 14) homicide by  
17 vehicle or great bodily harm by vehicle, as provided in  
18 Section 66-8-101 NMSA 1978; ~~[or]~~ 15) battery upon a peace  
19 officer, as provided in Section 30-22-24 NMSA 1978; or 16)  
20 human trafficking, as provided in Section 30-52-1 NMSA 1978.

21 0. Except for sex offenders, as provided in  
22 Section 31-21-10.1 NMSA 1978, an offender sentenced to  
23 confinement in a correctional facility designated by the  
24 corrections department who has been released from confinement  
25 and who is serving a parole term may be awarded earned

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meritorious deductions of up to thirty days per month upon recommendation of the parole officer supervising the offender, with the final approval of the adult parole board. The offender must be in compliance with all the conditions of the offender's parole to be eligible for earned meritorious deductions. The adult parole board may remove earned meritorious deductions previously awarded if the offender later fails to comply with the conditions of the offender's parole. The offender shall be eligible to earn meritorious deductions while on parole in the community commensurate with the classification of the offense. The corrections department and the adult parole board shall promulgate rules to implement the provisions of this subsection. This subsection applies to offenders who are serving a parole term on or after July 1, 2004."

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