

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 01/18/2024  
**Bill No:** HB 116

<b>Sponsor:</b>	<u>Elizabeth "Liz" Thomson</u> <u>Marian Matthews</u>	<b>Agency Name and Code Number:</b>	<u>New Mexico Adult Parole Board</u> <u>760</u>
<b>Short Title:</b>	<u>Human Trafficking and Sexual Exploitation Crime</u>	<b>Person Writing</b>	<u>Roberta Cohen</u>
		<b>Phone:</b>	<u>505-386-6873</u>
		<b>Email</b>	<u>roberta.cohen@apb.nm.gov</u>

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	N/A	N/A	N/A

(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: (Related to 2024 SB6906; 2023 HB445, SB82). Related to the crime of human trafficking. Removes the statute of limitations for prosecuting human trafficking; changes the definition of that crime; raises the age for sexual exploitation of children by prostitution to 18; adds human trafficking to the crimes included in the definition of “racketeering”; amends elements of that crime and prohibits certain defenses; prohibits earned meritorious deductions for a human trafficking sentence; and adds victims of human trafficking and sexual exploitation of children to the Victims of Crime Act.

**NO STATUTE OF LIMITATIONS FOR HUMAN TRAFFICKING.** Adds human trafficking as defined in Sec. 30-52-1 to the offenses for which there shall be no time limit (statute of limitations) for prosecution after the occurrence of the crime.

**MULTIPLE VIOLATIONS.** Each violation of the section constitutes a separate offense.

**LIMIT ON PROSECUTION OF HUMAN TRAFFICKING VICTIMS.** Prohibits prosecution of a human trafficking victim as an accessory to human trafficking or prostitution.

**LIMIT ON DEFENSES IN PROSECUTION FOR HUMAN TRAFFICKING.** Evidence of the following facts or conditions shall not constitute such defense:

- Victim’s sexual history or history of commercial sexual activity; specific instances of victim’s sexual conduct; opinion or reputational evidence of the victim’s sexual conduct
- Consent of a minor
- Mistake as to victim’s age
- That defendant’s intended victim was a peace officer posing as a child under age 18.

**FORFEITURE.** A person convicted of human trafficking is subject to the Forfeiture Act.

**VICTIMS OF CRIMES ACT** is amended to include victims of human trafficking or sexual exploitation of children.

**NO EARNED MERITORIOUS DEDUCTIONS** for persons convicted of human trafficking.

**SEXUAL EXPLOITATION OF CHILDREN BY PROSTITUTION.** The age of a child to which the act applies is raised from 16 to 18 for this crime.

RACKETEERING. Human trafficking is added to the violations included in the definition of “racketeering.”

#### CHANGES IN DEFINITIONS REGARDING HUMAN TRAFFICKING.

- “Human trafficking” is expanded as follows:

- 1) adds “harboring, maintaining, patronizing, or providing” or obtaining of another person with intent or knowledge that force, fraud or coercion will be used to subject them to labor or commercial sexual activity;

- 2) adds so obtaining any person under the age of 18 for commercial sexual activity with such intent or knowledge;

- 3) clarifies that a person who benefits financially or by receiving anything of value from the labor or commercial sexual activity of another person with knowledge that force, fraud or coercion was used to obtain it; and

- 4) adds using a person’s services to compel repayment of a debt or other obligation when the debt holder or enforcer does not pay the laborer as required by state and local law and has actual or perceived control of the laborer, who has no reasonable means to terminate the labor arrangement

- “Coercion” includes causing physical restraint as well as harm.

- “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.

#### **FISCAL IMPLICATIONS**

None

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

None

#### **PERFORMANCE IMPLICATIONS**

None

#### **ADMINISTRATIVE IMPLICATIONS**

None

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

**None**

**TECHNICAL ISSUES**

**None**

**OTHER SUBSTANTIVE ISSUES**

**None**

**ALTERNATIVES**

**None**

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

**Status Quo**

**AMENDMENTS**

**None**