

HOUSE BILL 121

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Tim D. Lewis

AN ACT

RELATING TO HUMAN TRAFFICKING; INCREASING THE PENALTY FOR HUMAN TRAFFICKING; PROVIDING FOR ENHANCEMENT OF PENALTY IF THE VICTIM IS UNDER THE AGE OF SIXTEEN.

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

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

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

A. Human trafficking consists of a person knowingly:

(1) recruiting, soliciting, enticing, transporting or obtaining by any means another person with the intent or knowledge that force, fraud or coercion will be used to subject the person to labor, services or commercial sexual activity;

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1 (2) recruiting, soliciting, enticing,
2 transporting or obtaining by any means a person under the age
3 of eighteen years with the intent or knowledge that the person
4 will be caused to engage in commercial sexual activity; or

5 (3) benefiting, financially or by receiving
6 anything of value, from the labor, services or commercial
7 sexual activity of another person with the knowledge that
8 force, fraud or coercion was used to obtain the labor, services
9 or commercial sexual activity.

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

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

16 [~~(1) sixteen, the person is guilty of a second~~
17 ~~degree felony; or~~

18 ~~(2) thirteen]~~ sixteen, the person is guilty of
19 a first degree felony.

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

24 E. In a prosecution pursuant to this section, a
25 human trafficking victim shall not be charged with accessory to

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1 the crime of human trafficking.

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

7 G. As used in this section:

8 (1) "coercion" means:

9 (a) causing or threatening to cause harm
10 to any person;

11 (b) using or threatening to use physical
12 force against any person;

13 (c) abusing or threatening to abuse the
14 law or legal process;

15 (d) threatening to report the
16 immigration status of any person to governmental authorities;
17 or

18 (e) knowingly destroying, concealing,
19 removing, confiscating or retaining any actual or purported
20 government document of any person; and

21 (2) "commercial sexual activity" means any
22 sexual act or sexually explicit exhibition for which anything
23 of value is given, promised to or received by any person."

24 SECTION 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2013.

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