

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: House Category: Bill  
Number: 86 Type: Amendment

Date (of THIS analysis): 01/22/2025  
Sponsor(s): Elizabeth “Liz” Thomson and Marian Matthews  
Short Title: TIME LIMITATIONS FOR COMMENCING PROSECUTION

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

| Appropriation Contained |        | Recurring or Nonrecurring | Fund Affected |
|-------------------------|--------|---------------------------|---------------|
| FY 25                   | FY 26  |                           |               |
| Total                   | \$0.00 | N/A                       | N/A           |
|                         |        |                           |               |

REVENUE (dollars in thousands)

| Estimated Revenue |        |        | Recurring or Nonrecurring | Fund Affected |
|-------------------|--------|--------|---------------------------|---------------|
| FY 25             | FY 26  | FY 27  |                           |               |
| Total             | \$0.00 | \$0.00 | N/A                       | N/A           |
|                   |        |        |                           |               |

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|       | FY 25  | FY 26  | FY 27  | 3 Year Total Cost | Recurring or Non-recurring | Fund Affected |
|-------|--------|--------|--------|-------------------|----------------------------|---------------|
| Total | \$0.00 | \$0.00 | \$0.00 | \$0.00            | N/A                        | N/A           |
|       |        |        |        |                   |                            |               |

### Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### Section IV: Narrative

#### 1. BILL SUMMARY

##### a) Synopsis

House Bill 86 proposes to amend Section 30-1-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 1-8, as amended) with ten key changes, as follows:

1. Removing the time limitation for commencing prosecution of human trafficking.
2. Increasing the age for sexual exploitation of children by prostitution from under the age of sixteen to under the age of eighteen.
3. Adding human trafficking to the definition of "racketeering".
4. Amending the elements of human trafficking section with seven changes.
5. Providing a definition of "harm".
6. Prohibiting certain defenses in a prosecution for sexual exploitation of children by prostitution.
7. Prohibiting certain defenses in a prosecution for human trafficking.
8. Subjecting a person convicted of human trafficking pursuant to this section to the Forfeiture Act.
9. Adding victims of human trafficking and sexual exploitation of children to the victims of crime act.
10. Prohibiting earned meritorious deductions for a human trafficking sentence.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

##### b) Significant Issues

House Bill 86 is an act proposing to amend the New Mexico Criminal Code. The bill highlights two key provisions:

One is increasing the age of human trafficking and child sexual exploitation victimization in New Mexico from under the age of sixteen to under the age of eighteen. Enacting this

change will increase protections for minors ages sixteen to seventeen and will bring NM to parity with federal law definitions for these crimes.

“Federal law defines sex trafficking as "the ... act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age." Force, fraud, or coercion do not need to be present for minors under 18 years involved in any commercial sex act because minors cannot consent to sex with an adult. Minors are easier to exploit and manipulate, thus vulnerable to trafficking.” (<https://www.ncbi.nlm.nih.gov/books/NBK430910/> )

The other provision highlighted is raising the penalty from third and/or second to first degree felony when the crime is committed against a minor.

### **Challenges in investigating and prosecuting human trafficking cases (with a focus on children)**

Farrel et al (2014) examined investigative case records and court files for 140 human trafficking cases in 12 U.S. counties that included interviews with law enforcement, prosecutors, and victim service providers to examine challenges in investigating and prosecuting human trafficking cases under state and federal laws ([Challenges to investigate and prosecute human trafficking](#)). Several key findings from their study include:

- 85% of human trafficking cases had sex trafficking as the primary offense
- 50% of human trafficking investigations involved minors at the time of the offense
  - In 2022, 85% of sex trafficking victims were females and 45% of female sex trafficking victims were age 12 to 17, and 5.3% were less than 11 years old ([Human Trafficking Incidents Reported by Law Enforcement, 2022 – Statistical Tables](#))

### **Mental and physical health problems of human trafficking victims**

Otis’ve et al (2016) conducted a systematic review and meta-analysis of 31 studies that examined the mental and physical health problems of human trafficking victims ([S2045796016000135jra 317..341](#)). Several key findings included:

- Children victims of trafficking experience high levels of violence and report physical health problems including headaches, stomach pain, and back pain.
- Children victims of trafficking also have mental health problems including depression, anxiety, and PTSD.
- Women and girls who are victims of sexual exploitation/trafficking self-report a high rate of sexually transmitted infections.

Beyond the serious health risks linked to trafficking, removing the statute of limitations on trafficking cases could lead to higher prosecution rates by allowing survivors more time to come forward. Many victims delay reporting due to the lasting effects of trauma and the complexities of adolescent development, which often make reporting related to crimes

difficult for the victim. ([Overcoming Disclosure Reluctance in Youth Victims of Sex Trafficking: New Directions for Research, Policy, and Practice - PMC](#))

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- Is this proposal related to the NMDOH Strategic Plan?  Yes  No
  - Goal 1:** We expand equitable access to services for all New Mexicans
  - Goal 2:** We ensure safety in New Mexico healthcare environments
  - Goal 3:** We improve health status for all New Mexicans
  - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

## 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

## 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

## 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

## 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

## 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

## 8. DISPARITIES ISSUES

- This bill addresses key populations at highest risk of human trafficking and child sexual exploitation victimization. These vulnerable populations include children under the age of 18, females, lesbian, gay, bisexual, and questioning/queer, transgender women and men, individuals who are foreign born, individuals experiencing unstable housing, poverty, racial discrimination, and lack of access to quality education, jobs, and healthcare. Another

population at risk includes individuals who have experienced adverse childhood experiences resulting in higher ACE scores.

- The US Department of Health Office on Trafficking in Persons provided a fact sheet in 2017 to further highlight at-risk groups, such as survivors of child abuse, sexual abuse, assault, interpersonal or intimate partner violence, gang violence, or community-violence exposure. <https://www.acf.hhs.gov/otip/fact-sheet/resource/fshumantrafficking>
- This bill proposes to increase protections to vulnerable populations in NM relating to the crimes of human trafficking and child sexual exploitation.

## 9. HEALTH IMPACT(S)

According to the Department of Health & Human Services, the following health issues are seen in trafficking victims:

- “Sexually transmitted diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties from working in the sex industry.
- Pregnancy, resulting from rape or prostitution.
- Infertility from chronic untreated sexually transmitted infections or botched or unsafe abortions.
- Infections or mutilations caused by unsanitary and dangerous medical procedures performed by trafficker-facilitated interventions that are not conducted by real medical professionals.
- Chronic back, hearing, cardiovascular or respiratory problems from dangerous agriculture, sweatshop or construction conditions.
- Weak eyes and other eye problems from working in poorly lit sweatshops.
- Malnourishment and serious dental problems. These are especially acute with child trafficking victims who often suffer from retarded growth and poorly formed or rotted teeth.
- Infectious diseases like tuberculosis.
- Undetected or untreated diseases, such as diabetes or cancer.
- Bruises, scars and other signs of physical abuse and torture. Sex-industry victims are often physically abused in areas that will not be outwardly visible, like their lower back.
- Substance abuse problems or addictions either from being coerced into drug use by their traffickers or by turning to substance abuse to help cope with or mentally escape their daily existence.
- Psychological trauma from daily mental abuse and torture, including depression, stress related disorders, disorientation, confusion, phobias and panic attacks.
- Feelings of helplessness, shame, humiliation, shock, denial or disbelief.
- Cultural shock from finding themselves in a strange country.”  
(<https://public3.pagefreezer.com/browse/HHS.gov/10-01-2025T05:49/https://www.hhs.gov/blog/2023/01/17/national-human-trafficking-prevention-month.html>)
- The Centers for Disease Control and Prevention advised that the consequences of sex trafficking are similar to the consequences of sexual violence (CDC – [About Sex Trafficking](#)). In 2023, 11.5% of New Mexico adults survived sexual violence at some point in their lives. When compared to New Mexico adults who did not experience sexual violence, New Mexico adults who survived sexual violence were three and a half times as likely to have seriously considered a suicide attempt, two and a half times as likely to have symptoms of depression, and about three times as likely to have symptoms of anxiety. 51% of adults who survived sexual violence were also socially isolated (Source: 2023 NM Behavioral Risk

Factor Surveillance System – Data Analyzed by NMDOH – Center for Health Protection). In 2023, 9.5% of New Mexico high school students had survived sexual violence. When compared to New Mexico high school students who did not experience sexual violence, New Mexico high school students who survived sexual violence were about twice as likely to have symptoms of depression, twice as likely to have symptoms of anxiety, and more than five times as likely to have attempted suicide. These students were also significantly less likely to be able to cope with the stress in their lives and less confident that they could achieve their goals (Source: 2023 NM Youth Risk and Resiliency System – Data Analyzed by NMDOH – Center for Health Protection).

**10. ALTERNATIVES**

None

**11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If HB86 is not enacted, there will be no changes in the prosecution of crimes in Section 30-1-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 1-8, as amended).

**12. AMENDMENTS**

None