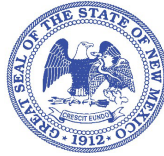


STATE OF NEW MEXICO  
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM  
GOVERNOR



FRANK ZUBIA  
DIRECTOR

To: Legislative Finance Council  
Re: Bill Analysis Memo/HB 86  
From: NM CVRC  
Date: 1/22/25

Service providers funded by CVRC and working with human trafficking victims have advised CVRC that sentencing in human trafficking criminal cases is inconsistent across New Mexico. Their experience has been that defendants in these cases are sentenced to probation in some NM jurisdictions, which is problematic for victims' safety planning and for safeguarding community safety generally. NM sentencing for these offenses is flexible. A second-degree felony against an adult carries a possible zero-to-nine year sentence, while a first degree sentence for an offense against a child might be sentenced for up to eighteen years in NM. NMSA 31-18-15.

Also noted by these service providers, surrounding states have stricter penalties for these offenses. Texas has a mandatory minimum sentence of two years and a sentencing range, dependent upon circumstances of the scene of the crime's initiation and the age of the victim, that goes up to ninety-nine years of confinement. TX PENAL §20A-.02 and §12.33. Arizona has a mandatory minimum sentence of four years when the victim is an adult sex trafficking victim, seven years when the victim is a teen, and thirteen years when the victim is younger child. AZ REV ST §13-3212, §13-702, §13-1307, §13-1308. Colorado has a presumptive sentencing scheme. Trafficking of adults convictions result in a possible Colorado sentence from four to twelve years of incarceration. These same offenses against a minor in Colorado result in a custodial sentence from eight to twenty-four years in length. CO REV ST §18-1.3-401 10a., XVI, XVII, and XIX. The disparity in the possible penalties may significantly contribute to NM being a preferred venue for commission of this type of offense.