

LFC Requestor: CHAVEZ, Felix

2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: House  
Number: 190

Category: Bill  
Type: Introduced

Date (of THIS analysis): 2/1/25

Sponsor(s): Hochman-Vigil

Short Title: VICTIMS OF CRIME ACT CHANGES

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	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	\$0	\$0	\$0	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 190 (HB190) will amend the Victims of Crime Act to include battery upon a health worker and human trafficking as applicable offenses. It makes several other changes including:

- Allows victims to have an attorney represent them in court
- Clarifies the notification process for court proceedings
- Gives victims the right to appeal insufficient notification
- Requires courts to provide language interpretation services
- Establishes a private cause of action for violations of victims' rights

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

By recognizing these two categories under the victims of crime act, HB190 will extend the same legal protections and rights which are already extended to victims of other violent crime including battery, murder, rape, abandonment, or stalking.

Battery against healthcare workers is an increasingly significant problem which impacts overall healthcare in both New Mexico and the United States.

Healthcare and social assistance workers experience a higher rate of workplace violence when compared with other sectors. This was especially exacerbated by the COVID-19 pandemic. [Extent of the Problem | WPVHC | NIOSH](#). From 2016 to 2020 there were 207 deaths due to violence in the workplace in the health care and social assistance industry within the private sector. In 2020, health care and social assistance workers overall had an incidence rate of 10.3 (out of 10,000 full-time workers) for injuries resulting from assaults and violent acts by other people. The rate for nursing and personal care facility workers was 21.8. Data obtained from nurses (RNs/LPNs) in a major population-based study

showed a rate of physical assaults at 13.2 per 100 nurses per year and at a rate of 38.8 per 100 nurses per year for non-physical violent events (threat, sexual harassment, verbal abuse) (Nachreiner, N.M. et al., 2007).

Human trafficking, as defined by federal law, involves the use of force, fraud, or coercion to induce an individual to engage in sex acts, or applies to minors under 18, who cannot legally consent to sex with an adult. This makes minors particularly vulnerable to trafficking, as they are easier to exploit and manipulate. Victims of human trafficking, especially children and women, often suffer from both physical and mental health problems. Studies have shown that children who are trafficked experience high levels of violence and report physical and mental health conditions including depression, anxiety, and PTSD. Additionally, women and girls who are victims of sexual exploitation have a significantly higher rate of sexually transmitted infections, underscoring the profound impact trafficking has on their physical and psychological well-being ([S2045796016000135jra 317..341](#)). Given the often violent nature of the crime, and the physical and emotional trauma experienced by victims, adding victims of human trafficking would ensure adequate protections and representation were assured for this vulnerable group of victims.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes  No

If yes, describe how.

- 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

#### 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

- HB190 addresses key populations at highest risk of human trafficking and sexual exploitation victimization. These vulnerable populations include females, lesbian, gay, bisexual, and questioning/queer individuals, 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 abuse, sexual assault, interpersonal or intimate partner violence, gang violence, or community-violence exposure. [Source](#)
- HB190 proposes to increase protections for vulnerable populations in NM relating to the crimes of human trafficking and sexual exploitation.
- The bill also aims to recognize battery against healthcare workers as a criminal offense, providing them with legal protections and support services if assaulted while performing their duties.

#### 8. HEALTH IMPACT(S)

Healthcare workers are 5 times more likely to experience violence in the workplace than other industries ([Addressing Workplace Violence and Creating a Safer Workplace | PSNet](#)).

Victims of human trafficking also experience significant health issues including:

- “Sexually transmitted diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties.
- 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 often not conducted by licensed 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 delayed 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>)

## **10. ALTERNATIVES**

None

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

Victims of human trafficking and battery against a healthcare worker will not be added to the Victims of Crime Act. Additional changes to the act outlining rights will not be added.

## **12. AMENDMENTS**

None.