

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: January 25, 2025 *Check all that apply:*
Bill Number: SB 74 Original Correction
 Amendment Substitute

Sponsor: Sedillo-Lopez/Harold Pope **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Human Trafficking **Person Writing:** Donald Gallegos
Title: _____ **Phone:** 5757703120 **Email:** dgallegos@questalaw.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

Lines 11-14	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

SB 70 proposes the following changes:

- Eliminates the statute of limitations for human trafficking. Page 3, lines 4-5.
- Changes the age limit for sexual exploitation of children by prostitution from 16 to 18. Page 3, line 19.
- Will prohibit persons accused of sexual exploitation of a child to use a defense that the alleged victim was a peace officer. Page 4, lines 3-6.
- Adds the crime of human trafficking to those enumerated in the definitions for racketeering. Page 6, lines 19-20.
- Adds language to the human trafficking act that criminalizes persons who harbor, maintain, patronize, provide. Page 7, lines 17 and 22.
- Deletes the language “with the knowledge” and adds “where the person benefiting knew or should have known,” changing the criminal intent. Page 8, lines 3-4.
- Adds language that would prohibit a person placing a debtor into forced servitude to repay financial debt or other obligation. Page 8, lines 7-12.
- A first-degree felony if a person is convicted of human trafficking and the victim is under 18 years of age. Page 8, line 21.
- Adds language that each violation of human trafficking constitutes a separate offense and shall not merge with any other offense. Page 9, lines 1-2.
- Provides language that a victim of human trafficking cannot be charged with prostitution. Page 9, lines 5-6.
- Adds “harm” to the definitions in the human trafficking act (Section 30-52-1, NMSA 1978). Page 10, lines 4-10.
- Adds language prohibiting defendants from using certain defenses to human trafficking. Page 10, lines 11-21.
- Adds language providing that a person who is convicted of human trafficking is subject to the forfeiture act. Page 10, lines 22-23.
- Adds human trafficking and sexual exploitation of children to the definitions of the Victims of Crime Act (Section 31-26-3, NMSA 1978). Page 13, lines 1-4.
- Adds human trafficking to those offenses enumerated in the Earned Meritorious Deductions Act (Section 33-2-34, NMSA 1978). Page 21, line 21; page 22, line 1. This will allow a judge to determine if human trafficking in a certain case is a serious violent offense that will prevent a convicted person from receiving time for time credit.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.
None

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

SIGNIFICANT ISSUES

This bill makes comprehensive changes to statues targeting the problem of human trafficking.

Changing the criminal intent requirement in Section 30-52-1A(4), NMSA 1978 (see page 8, lines 3-4) from “with the knowledge” to “knew or should have known” will make prosecutions easier but may be subject to challenge from the defense bar.

Adding human trafficking to those crimes where a judge may consider it a serious violent offense for purposes of the Earned Meritorious Deductions Act, may require additional resources for the Department of Corrections.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 70. See pages 4-5.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS