

LFC Requestor: SANCHEZ, Scott

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 74

Type: Introduced

Date (of THIS analysis): 1/26/25

Sponsor(s): Sedillo Lopez, Pope

Short Title: TIME LIMIT FOR PROSECUTING CERTAIN CRIMES

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 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 proposing to amend NM Criminal Code. The bill includes two key provisions:

1. Increasing the age of human trafficking and child sexual exploitation victimization in NM 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 into alignment 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 more vulnerable to exploitation and manipulation and thus vulnerable to trafficking. (<https://www.ncbi.nlm.nih.gov/books/NBK430910/>)

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

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

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 serves 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 including 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 the trafficker's so-called "doctor."
 - Chronic back, hearing, cardiovascular or respiratory problems from endless days toiling in dangerous agriculture, sweatshop or construction conditions.
 - Weak eyes and other eye problems from working in dimly 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 beaten in areas that won't damage their outward appearance, 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 as a coping mechanism.
 - 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?

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