

LFC Requestor: SANCHEZ, Scott

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 510

Type: Introduced

Date (of THIS analysis): 02/24/2025

Sponsor(s): William E. Sharer and Pat Woods and Crystal Brantley and Anthony L. Thornton and Nicholas A. Paul

Short Title: PUBLIC SAFETY CHANGES

Reviewing Agency: Agency 665 - Department of Health

Analysis Contact Person: Arya Lamb

Phone Number: 505-470-4141

e-Mail: Arya.Lamb@doh.nm.gov

Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$500	Nonrecurring	General Fund

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

	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

The fiscal implications of this bill are not possible to assess at this time. The proposed changes to the law may result in more admissions to the Forensic Division of the New Mexico Behavioral Health Institute (NMBHI) and may also result in more admissions to the Adult Psychiatric Division of NMBHI, as well as other licensed psychiatric facilities throughout the state. The changes to the law would create situations where many more people are evaluated for admission. There is not data or a way to estimate how many people would meet this criteria, as they are not being evaluated at this time.

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: HB8

Companion to: None

Relates to: HB86, HB134, HB39, HB4, SB75, SB326

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 510 (SB510) aims to modify language in the Public Safety Act to add new sections and amend content to several sections to increase penalties for drug trafficking and human trafficking. It would also strengthen penalties for juvenile crimes, introduce new competency and mental health procedures, and tighten pretrial release conditions. The bill also expands racketeering laws and creates the crime of operating a stash house.

Specific modifications of the Public Safety Act include:

- Removes the time limit for prosecuting human trafficking
- Raises the age for child sexual exploitation by prostitution to 18
- Expands the definition of human trafficking and prohibits certain legal defenses
- Adds human trafficking and stash house operations to the definition of "racketeering"
- Prohibits sentence reductions for human trafficking conviction
- Increases penalties when drug trafficking leads to a person's death
- Allows courts to order community-based competency restoration for non-dangerous defendants
- Expands crimes eligible for criminal commitment
- Allows courts to use competency evaluations in involuntary commitment cases
- Modifies detention rules and court procedures for youthful offenders
- Allows juvenile offenders to be transferred to adult facilities at 18
- Extends court authority over juvenile cases until age 25
- Limits the Children, Youth & Families Department's exclusive control over juvenile releases

- Adds trafficking and child exploitation victims to the Victims of Crime Act

HB10 would also make significant changes to the Competency Restoration laws. First, SB510 would require civil commitment evaluations throughout the process. Second, it would subject non-violent incompetent defendants to criminal prosecution after opting into treatment and participating in their own competency restoration. Third, it would expand the list of crimes eligible for a 1.5 or 1.6 crime. Finally, this bill provides language for civil commitments to all occur at NMBHI, and competency cases to go to any psychiatric hospital, but the requirements for treatment would remain with the Department of Health.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

a) Significant Issues

HB510 includes provisions of several bills aims to enhance public safety by strengthening laws related to human trafficking and drug trafficking, refining procedures for competency evaluations in legal proceedings, and making significant changes to how delinquent offenders are handled within the juvenile justice system. It introduces stricter penalties, expands definitions, revises procedural requirements, and modifies detention and rehabilitation policies to improve legal accountability and public protection. This analysis will primarily focus on the three broad categories that could impact DOH including: competency, human trafficking, and drug trafficking,

Competency:

Sections 12-17 of SB510 aims to refine the competency determination process in legal proceedings. This bill seeks to address similar issues as raised in HB8, which has already passed and establishes a framework for evaluating a defendant's competency, ensuring that reports include professional opinions on fitness to stand trial and guidance on involuntary commitment or assisted outpatient treatment when necessary, strengthens procedural safeguards by specifying criteria for community-based competency restoration and the use of evaluation reports in judicial decisions.

Human Trafficking:

"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](#))

- In 2019, New Mexico ranked 22nd in the country for the number of new human trafficking cases. Sex trafficking is significantly higher in trafficking cases in relation to forced labor trafficking ([New-Mexico-2019-State-Summary.pdf](#)).
- In 2022, 85% of sex trafficking victims were female and approximately 45% of female sex trafficking victims in 2022 were between 12 and 17 years old ([Human Trafficking Incidents Reported by Law Enforcement, 2022 – Statistical Tables](#))
- In August 2024, the Governor's Organized Crime Commission and law enforcement coordinated an effort to combat human trafficking and crime in New Mexico. Numerous people were rescued, stash houses identified and arrests were made ([Multi-agency human trafficking operation rescues 91 people - Governor vows continued](#))

Financial Burden of Human Trafficking

- Human trafficking ranks as the second most profitable illicit industry in the United States. Trafficking in children generates an alarming 39 billion USD in revenue annually at the expense of millions of innocents. (<https://violenceagainstchildren.un.org/news/srsg-violence-against-children-joins-icat-calling-governments-reach-every-victim-trafficking>).
- The illegal profits from forced commercial sexual exploitation amount to \$173 billion annually. ([Profits and poverty - The economics of forced labour WEB 20241017.pdf](#)).

Drug Trafficking: Drug use can result in overdose death and is associated with other societal problems including crime, violence, homelessness, loss of productivity, and spread of blood-borne disease such as HIV and hepatitis. Since 2018, New Mexico has experienced a dramatic increase in drug overdose deaths associated with prescription drug use and, more recently, use of illicit fentanyl.

<https://www.nmhealth.org/data/view/substance/2889/>. After years of consistent annual increases of New Mexico's drug overdose death rates, New Mexico is now observing decreases of deaths attributed to drug overdose.

Many epidemiological studies have confirmed that persons with substance use disorders are likely polysubstance users. Nationwide, a general population study found that more than 90% of individuals with an opioid use disorder used more than two other substances within the same year and over 25% had at least two other substance use disorders. In New Mexico, roughly 65% of overdose deaths were found to be polysubstance related in years 2017 – 2021. Substances identified at the time of death due to overdose include combinations of methamphetamine, fentanyl, heroin, prescription pain opioids, benzodiazepines and ethanol (alcohol).” In that time period, Bernalillo County had the largest percentage of opioid overdose related emergency department visits (44% of the state total) followed by Santa Fe County (10.6%). <https://www.nmhealth.org/data/view/substance/2889/>. It can be difficult to determine the exacerbating drug leading to a fatal overdose when drug users have many substances in their system at the time of fatal overdose.

After years of consistent annual increases of New Mexico's drug overdose death rates, New Mexico is now observing decreases of deaths attributed to drug overdose. When comparing the first quarter (Q1, January-March) of 2023 with the Q1 of 2024, data showed a 22.1% decrease in total drug deaths and a 32.6% decrease in fentanyl-involved overdose deaths. Emergency department visits for the same period show a similar trend with a 13.2% decrease in drug-related visits. While this improvement probably relates to several factors, changes in drug use patterns and supply of illicit substances likely had a large impact. It is hoped that these positive trends will continue. <https://www.nmhealth.org/data/view/substance/2889/>.

2. PERFORMANCE IMPLICATIONS

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

Yes No

This bill indicates that the Department of Health become more involved in assessment, reporting, and legal proceedings, which could place a notable strain on existing DOH staff.

- 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

This bill is likely to significantly increase the number of referrals to both NMBHI and LLCP.

4. ADMINISTRATIVE IMPLICATIONS

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

SB510 requires that the Department of Health become more involved in assessment, reporting, and legal proceedings, which will require the increased staffing of many more medical professionals and non-medical staff. There is currently a shortage of medical staff in New Mexico.

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

SB510 conflicts with HB8, which has already passed both the House and Senate and addresses criminal competency. While SB510 proposes several changes related to competency and mental health procedures, HB8 already establishes a framework for competency evaluations and restoration, potentially rendering some provisions of SB510 redundant.

SB510 incorporates elements from various other bills, including:

- **HB86**, which broadens the definition of sexual exploitation of children by prostitution

- **HB134**, which amends the Delinquency Act to make adjustments to juvenile offender procedures
- **HB39**, which considers an adult's juvenile delinquency record and firearm usage in adult felony firearm possession and background checks
- **SB74**, a duplicate of HB86, which also broadens the definition of sexual exploitation of children by prostitution
- **SB95**, which proposes fentanyl dealing as a capital crime

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

Human Trafficking

- Human trafficking affects individuals across multiple demographics, with children comprising 35% of all identified victims of trafficking (<https://violenceagainstchildren.un.org/news/srsg-violence-against-children-joins-icat-calling-governments-reach-every-victim-trafficking>).
- These individuals often face greater risks of sexual exploitation and abuse. Economically, trafficking in children generates \$39 billion annually (<https://violenceagainstchildren.un.org/news/srsg-violence-against-children-joins-icat-calling-governments-reach-every-victim-trafficking>), exacerbating the vulnerabilities of impoverished communities.
- Women and girls are especially vulnerable, with 11.8 million women and girls in forced labor globally ([Alliance 8.7](#)), highlighting a gender disparity in trafficking.

9. HEALTH IMPACT(S)

Health Impacts of Human Trafficking

- Human trafficking is not only a severe crime but also a major public health issue. Victims of trafficking suffer from a wide range of health impacts, including physical injuries, sexually transmitted infections, mental health disorders, and long-term psychological trauma. The physical and emotional toll can be exacerbated by the lack of appropriate healthcare and the isolation experienced by trafficked individuals ([Human Trafficking Into and Within the United States: A Review of the Literature | ASPE](#)).

- Human trafficking significantly impacts the health of its victims, with severe consequences for both their physical and mental well-being. Survivors often suffer from physical abuse, malnutrition, sexually transmitted infections, and chronic health conditions due to exploitation. Psychological consequences include depression, anxiety, post-traumatic stress disorder (PTSD), and substance abuse. Trafficked individuals, especially those who experience long-term captivity, may also face reproductive health issues, self-harm, and suicidal thoughts. Addressing these health impacts requires a comprehensive, trauma-informed approach to healthcare for survivors, with a focus on mental health and long-term recovery support (<https://doi.org/10.1371/journal.pmed.1002437>).
- Research highlights that survivors often face post-traumatic stress disorder (PTSD), substance abuse, and chronic health conditions, which can persist long after their trafficking experiences end ([SAMHSA - Substance Abuse and Mental Health Services Administration](#)).

10. ALTERNATIVES

None.

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

If SB510 is not enacted, then no changes will be made to the language in the Public Safety Act.

12. AMENDMENTS

Delete sections 10-17 as the competency issue has been addressed in HB8.