

<b>LFC Requester:</b>	Scott Sanchez
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 23 JAN 2025 *Check all that apply:*  
**Bill Number:** SB 74 Original  Correction   
 Amendment  Substitute

**Sponsor:** Antoinette Sedillo Lopez and Harold Pope  
**Short Title:** Human Trafficking and Sexual Exploitation of Children  
**Agency Name and Code:** 790 – Department of Public Safety  
**Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	5,106.0	\$249.0	\$5,355.0	Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicate of 2025 HB86; essentially identical to 2024 HB116; related to 2024 SB6906; 2023 HB445; 2023 SB82  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

SB 74 represents a vital step forward in strengthening New Mexico's ability to combat human trafficking and the sexual exploitation of children. The bill removes the statute of limitations for prosecuting human trafficking, expands protections for minors by raising the age for sexual exploitation of children from 16 to 18 under **Section 30-9-3, NMSA 1978 (Patronizing Prostitution)** and **Section 30-9-4, NMSA 1978 (Promoting Prostitution)**. It prohibits specific defenses that often hinder justice, such as victim consent, mistaken age, or the victim being an undercover officer. Additionally, it incorporates human trafficking under **Section 30-52-1, NMSA 1978 (Human Trafficking)** into the definition of racketeering, denies meritorious sentence deductions for offenders, and ensures that victims are supported under the Victims of Crime Act.

#### **FISCAL IMPLICATIONS**

To ensure effective monitoring and management of sex offenders, New Mexico must modernize its outdated tracking system, which is approaching the end of its lifecycle and no longer meets critical functionality requirements. Additionally, the state has lost \$1.4 million in federal funding since 2011 due to non-compliance with the Adam Walsh Act, highlighting the urgent need for alignment with federal standards. This modernization effort will enhance communication with local county sheriffs, the FBI, and law enforcement agencies at the city, county, tribal, federal, and international levels. It will also provide improved public access through a website, support robust data analysis for policymakers, and facilitate compliance with federal regulations.

The estimated project costs include \$4.0 million for implementation, \$350,000 for the discovery phase, \$125,000 for maintenance over five years, and \$500,000 for project management, independent verification and validation (IV&V), and data analysis. Additionally, two new full-time employees will be added to the Sex Offender Management Team to support the upgraded system. This investment is critical to enhancing public safety, improving operational efficiency, and ensuring legal compliance while positioning New Mexico to regain federal funding opportunities.

#### **SIGNIFICANT ISSUES**

The bill recognizes the complexity of human trafficking cases, ensuring victims are not further victimized by the legal system through prosecution for actions taken under duress. By raising the age for sexual exploitation protections, New Mexico aligns with federal and state trends recognizing minors under 18 as particularly vulnerable. Adding human trafficking to racketeering statutes enhances prosecutorial tools, while prohibiting specific defenses mitigates common loopholes exploited in such cases.

The Department of Public Safety's Law Enforcement Records Bureau (LERB) plays a critical role in maintaining and managing the state's Sex Offender Registry under NMSA 29-11A-4.

Incorporating **Section 30-9-3, NMSA 1978 (Patronizing Prostitution); Section 30-9-4, NMSA 1978 (Promoting Prostitution); Section 30-9-4.1, NMSA 1978 (Accepting Earnings as a Prostitute); Section 30-52-1, NMSA 1978 (Human Trafficking)**, and related statutes into SB 74 ensures a comprehensive legal framework that targets human trafficking and the sexual exploitation of minors while reinforcing offender accountability. Adding these offenses to the requirements for sex offender registration under **Section 29-11A-4, NMSA 1978** strengthens public safety by enabling robust tracking and monitoring of individuals convicted of crimes like sexual exploitation, promoting prostitution, patronizing prostitutes, and human trafficking. Including **Section 30-28-2, NMSA 1978 (Criminal Solicitation)** and **Section 30-52-1, NMSA 1978 (Human Trafficking)** expands prosecutorial tools, allowing for greater enforcement against individuals and networks involved in these crimes. These enhancements close critical gaps, align New Mexico with federal standards such as the Adam Walsh Act, and provide justice for victims while deterring future exploitation. By linking these statutes, SB 74 becomes a powerful legislative tool in the fight against trafficking and exploitation in the state.

In Section 30-1-8(I), DPS believes that the added language should read “or any crime against or in violation of Section 30-9-3, NMSA 1978; 30-9-4, NMSA 1978; 30-9-4.1, NMSA 1978; 30-52-1, NMSA 1978, and any of the above listed crimes in this subsection committed in conjunction with 30-28-2, NMSA 1978” to incorporate other sex crimes that should have no time limitation for commencing prosecution.

DPS also believes that the following crimes should be listed in the definition of “racketeering” found in the definitions listed in 30-42-3 as additional subsections: (28) patronizing prostitutes, as provided in Section 30-9-3, NMSA 1978; (29) promoting prostitution, as provided in 30-9-4, NMSA 1978; (30) accepting earnings as a prostitute, as provided in 30-9-4.1, NMSA 1978; (31) any of the above listed crimes in this subsection committed in conjunction with conspiracy, as provided in 30-28-2, NMSA 1978.

**In the definitions as listed in Section 31-26-3, NMSA 1978, DPS believes that the following crimes should be listed under the definitions provided for “criminal offense:”** (24) patronizing prostitutes, as provided in Section 30-9-3, NMSA 1978; (25) promoting prostitution, as provided in 30-9-4, NMSA 1978; (26) accepting earnings as a prostitute, as provided in 30-9-4.1, NMSA 1978; (27) any of the above listed crimes in this subsection committed in conjunction with conspiracy, as provided in 30-28-2, NMSA 1978.

Finally, DPS believes that the following crimes should be added to the language in 33-2-34, NMSA 1978 regarding eligibility for earned meritorious deductions as optional serious violent offense provided in Section 33-2-34 (L)(4)(o): (17) patronizing prostitutes, as provided in Section 30-9-3, NMSA 1978; (18) promoting prostitution, as provided in 30-9-4, NMSA 1978; (19) accepting earnings as a prostitute, as provided in 30-9-4.1, NMSA 1978; (20) any of the listed crimes in subsections 33-2-34 (L)(4)(o)(16) through (19) committed in conjunction with conspiracy, as provided in 30-28-2, NMSA 1978.

## **PERFORMANCE IMPLICATIONS**

LERB: SB 74 strengthens New Mexico’s fight against human trafficking by removing barriers like time limitations and enforcing tougher penalties. By incorporating **Section 30-9-3, NMSA 1978 (Patronizing Prostitution); Section 30-9-4, NMSA 1978 (Promoting Prostitution); Section 30-9-4.1, NMSA 1978 (Accepting Earnings as a Prostitute); Section 30-52-1, NMSA**

**1978 (Human Trafficking)**, and **Section 30-28-2, NMSA 1978 (Conspiracy)**, the legislation expands prosecutorial power to dismantle trafficking networks and hold offenders accountable. These updates close critical gaps, align with the Adam Walsh Act, and deliver justice to victims while deterring exploitation. SB 74 reaffirms New Mexico's commitment to protecting its citizens and combating these heinous crimes.

NMSP: This bill would provide much-needed updates to the statutes related to Human Trafficking in New Mexico. As it currently stands the penalties for trafficking a controlled substance are greater than for trafficking human beings. It is critical this loophole in the law be closed. DPS strongly supports this bill and believes it will give law enforcement additional tools to deal with a crime that has become increasingly prevalent in our communities. Human Trafficking often targets the most vulnerable populations of our state, in particular our youth. It is critical we have additional resources to help protect them.

### **ADMINISTRATIVE IMPLICATIONS**

The Attorney General's Office, district attorneys, and the Department of Public Safety will need to allocate resources for training personnel on the revised definitions, elements of the crimes, and prosecutorial exclusions. Coordination with federal agencies will be essential for addressing multi-jurisdictional trafficking cases.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

None.

### **ALTERNATIVES**

None.

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

SB 74 delivers critical reforms that strengthen New Mexico's ability to combat human trafficking and sexual exploitation. By removing time limitations for prosecution and incorporating **Section 30-9-3, NMSA 1978 (Patronizing Prostitution)**; **Section 30-9-4, NMSA 1978 (Promoting Prostitution)**; **Section 30-9-4.1, NMSA 1978 (Accepting Earnings as a Prostitute)**; **Section 30-52-1, NMSA 1978 (Human Trafficking)**, the bill empowers law enforcement and prosecutors to target offenders and dismantle trafficking networks effectively. It aligns state laws with federal standards like the Adam Walsh Act, ensuring robust protections for victims and comprehensive offender accountability. These enhancements close gaps that traffickers exploit, deter future crimes, and prioritize justice for vulnerable populations, making SB 74 a cornerstone in New Mexico's efforts to safeguard its communities. Additionally, aligning with the Adam Walsh Act is essential to securing federal resources—New Mexico has already lost \$1.4 million in federal grant funding since 2011 due to non-compliance, underscoring the financial and public safety imperative of this legislation.

Failing to enact SB 74 would leave significant gaps in New Mexico’s legal framework, allowing traffickers to exploit procedural limitations such as statutes of limitations. Vulnerable minors aged 16–17 would remain inadequately protected under outdated provisions, and the state would risk continued misalignment with federal standards, further jeopardizing access to critical federal funding and resources. Without SB 74, law enforcement and prosecutors would lack the expanded tools needed to address trafficking effectively, perpetuating injustices for victims and enabling traffickers to evade full accountability. This inaction would undermine public safety and New Mexico’s commitment to eradicating trafficking and exploitation.

**AMENDMENTS**

None.