

F

NEW MEXICO

2023 Report Card

TIER II

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 10 points.
- State funds were appropriated to support the development and provision of specialized services to survivors of human trafficking.
- Allows child and youth victims of sex or labor trafficking to seek accountability for their offenders through civil processes.
- Commercially sexually exploited children can be identified as child sex trafficking victims regardless of whether they have or identify a trafficker.

SAFE HARBOR STATUS:

One of 30 states that statutorily prohibit the criminalization of minors for prostitution; expands Safe Harbor law to protect trafficking victims from being held criminally liable as accessories to human trafficking.

Issue		Grade	Score	Summary
	1. Criminal Provisions	D	$\frac{11.5}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, decoy defenses, and business entity liability under the trafficking law. Gaps remain related to buyer and trafficker accountability under state CSEC laws, mistake of age defenses, and financial penalties.
	2. Identification of and Response to Victims	F	$\frac{13}{27.5}$	Policy goals accomplished related to third party control, foreign national victims, non-criminalization for prostitution offenses, and child abuse definitions. Gaps remain related to screening through child welfare and the juvenile justice system, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care	F	$\frac{7.5}{15}$	Policy goal accomplished related to appropriations. Gaps remain related to community-based services, MDT responses, services through child welfare and the juvenile justice system, and extended foster care services.
	4. Access to Justice for Trafficking Survivors	F	$\frac{7.5}{15}$	Policy goal accomplished related to civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, restitution, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	F	$\frac{5}{10}$	Gaps remain in all areas, including hearsay exceptions, alternatives to live, in-court testimony, victim-witness supports, and privileged communications.
	6. Prevention and Training	F	$\frac{0}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	 Youth		2	Protections related to appropriations and civil remedies are extended to sex trafficked youth.
	 Child Labor Trafficking		2	Protections related to appropriations and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE
TIER II

F 48.5