



New Mexico State Facts

Criminalization of DMST

1. New Mexico's human trafficking law makes it a crime to traffic minors under 18 for commercial sex acts without regard to use of force, fraud, or coercion, but penalties are low when the minor is 16 or older, leaving older minors less protected.

Criminal Provisions Addressing Demand

2. New Mexico Attorney General Gary King was one of 51 Attorneys General who signed a letter to Backpage.com calling on the company to disclose its efforts to identify and delete advertisements that facilitate sex trafficking, specifically of minors.¹
3. Albuquerque police used *Backpage.com* to catch and charge Jason Willer with human trafficking under the state law when he arrived at a local hotel to have sex with who he believed to be a 17-year-old for \$100.²

Criminal Provisions for Traffickers

4. In October 2011, Kendell Merrell was charged with human trafficking and sexual exploitation of a child after he arranged to sell a 17-year-old girl into 3 days of sexual slavery for \$3,000 and posted photos of her on *Backpage.com* advertising commercial sex acts for sale after befriending the girl on Facebook and offering her a job selling magazines and CDs.³
5. A tip from a concerned citizen and an ad on *Backpage.com* led Albuquerque police to a 17-year-old girl prostituted by trafficker Dante McKay in July 2011. McKay was charged with human trafficking under the state law while the girl was charged with prostitution, despite her status as a domestic minor sex trafficking victim.⁴
6. Traffickers, and potentially buyers of commercial sex acts with minors, are subject to prosecution under the state's sex trafficking law but a conviction for sex trafficking of a minor is not listed as a crime requiring registration as a sex offender, creating vulnerability in the protection of New Mexico's children.

Protective Provisions for Child Victims

7. State prostitution offenses are not limited in application to adults, leaving minors vulnerable to prosecution while simultaneously considered a victim under the sex trafficking or commercial sexual exploitation laws.
8. Sex trafficking is not a crime for which victims may apply for crime victims' compensation and even if identified as a victim of a crime specifically provided in the law, victims must cooperate in the investigation and prosecution of the defendant to be eligible for an award.

¹ <http://www.tn.gov/attorneygeneral/cases/backpage/backpageletter.pdf>

² <http://www.koat.com/news/29684644/detail.html>

³ <http://www.koat.com/news/29371370/detail.html>

⁴ <http://www.kasa.com/dpps/news/tip-leads-to-human-trafficking-arrest-3881233>