

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

## FISCAL IMPACT REPORT

**BILL NUMBER:** House Bill 125

**SHORT TITLE:** Delinquency Act Changes

**SPONSOR:** Reeb

**LAST UPDATE:** \_\_\_\_\_ **ORIGINAL DATE:** 02/06/2026 **ANALYST:** Jacobs

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

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Public Defenders	Indeterminate but minimal	At least \$1,279.8	At least \$1,279.8	At least \$2,559.6	Recurring	General Fund
Courts	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
County Detention Facilities	Indeterminate but minimal	Indeterminate but substantial	Indeterminate but substantial	Indeterminate but substantial	Recurring	General Fund
CYFD	Indeterminate but minimal	At least \$1,897.5	At least \$1,897.5	At least \$3,795.0	Recurring	General Fund
<b>Total</b>	<b>Indeterminate but minimal</b>	<b>At least \$3,177.3</b>	<b>At least \$3,177.3</b>	<b>At least \$6,354.6</b>	<b>Recurring</b>	<b>General Fund</b>

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 105

### Sources of Information

LFC Files

#### Agency or Agencies Providing Analysis

Administrative Office of the Courts  
Administrative Office of the District Attorneys  
Children, Youth and Families Department  
Law of the Public Defender  
New Mexico Sentencing Commission  
Office of Family Representation and Advocacy

#### Agency or Agencies That Were Asked for Analysis but did not Respond

New Mexico Attorney General

## SUMMARY

### Synopsis of House Bill 125

House Bill 125 (HB125) would amend criminal sentencing criteria for minors. The bill would amend the definitions of “serious youthful offender,” “youthful offender,” and “delinquent acts”

to increase the penalties for certain offenses.

Section 1 of the bill amends Section 31-18-15.2 NMSA 1978 by striking the existing definitions of serious youthful offender and youthful offender. Instead, the bill would define these categories using the definitions from Section 32A-2-3 NMSA 1978.

Section 2 amends Section 32A-2-3 NMSA 1978 to remove homicide by vehicle as a delinquent act and define a number of offenses related to cannabis use as delinquent offenses. The section also adds a definition for “firearm.” Additionally, the definition of “serious youthful offender” is amended to clarify it does not apply to a delinquent child and the minimum age for the designation is lowered from 15 to 14 years. The only serious youthful offender charge under state law is first-degree murder. The bill would expand this definition to include juveniles charged with second-degree murder, voluntary manslaughter, criminal sexual penetration, robbery while armed with a deadly weapon, and shooting at or from a motor vehicle or at a dwelling resulting in great bodily harm. Additionally, the bill would amend the definition of “youthful offender” and add the following crimes that are currently treated as delinquent acts: homicide by vehicle, involuntary manslaughter, failing to stop a vehicle when involved in an accident resulting in injury or death, and any offense enumerated in Subsection N of Section 33-2-34 NMSA 1978 committed with a firearm. Under current law, a youth 14 to 18 who has had four separate felony convictions over three years is designated a youthful offender. HB125 would remove this age requirement from the youthful offender criteria. Finally, the bill amends Subsection 3 to clarify 14-year-olds adjudicated for first-degree murder be treated as serious youthful offenders.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

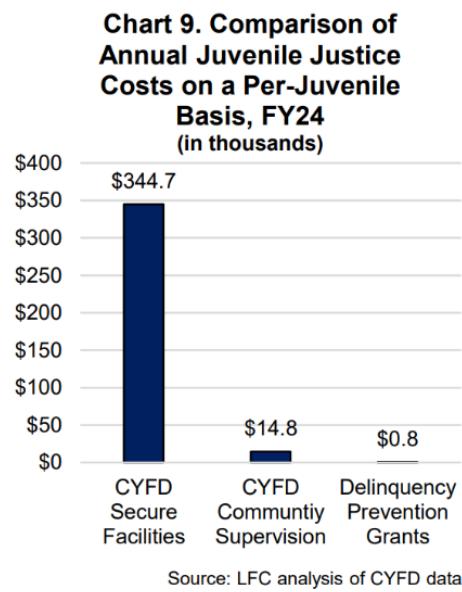
## **FISCAL IMPLICATIONS**

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in juvenile detention facilities, jail, or prison and the length of time served in prison, juvenile detention, or jail that might result from this bill could have significant fiscal impacts. The creation of any new crime, increase in severity, removing alternatives to incarceration, or increase of sentencing penalties will likely increase the population of New Mexico’s juvenile detention facilities, prisons and jails, consequently increasing long-term costs to state and county general funds.

Overall, HB125 makes it more likely that juveniles committing certain crimes will be detained by broadening the list of crimes that come under the “delinquent acts,” “serious violent offender,” and “youthful offender” definitions in statute. The bill would, thus, increase costs associated with the detention of juveniles and increase costs associated with the prosecution of youthful offender and serious youth offender cases, which the Administrative Office of the District Attorneys reports are more involved than delinquency cases. Higher stakes would also result in a lower number of settlements and an increase in trial costs for the judiciary.

The Law Offices of the Public Defender (LOPD) anticipates a substantial workload increase should HB125 pass. According to the agency’s 2025 figures, including 14-year-olds as serious violent offenders would have cost \$521.8 thousand alone due to the increased workload demands associated with higher-penalty trials. LOPD estimates it would have represented at least 27 more

cases if 14-year-olds qualified as serious youthful offenders. Data from the agency's case management system indicates the workload from the other new criteria for serious youthful offender status would cost LOPD an additional \$418.5 thousand. Including the expanded delinquent offenses, LOPD projects a cost of at least \$1.2 million to absorb this workload increase.



The Children, Youth and Families Department (CYFD) reports it would require an increased number of competency evaluations if the bill were to pass. The agency does not provide an estimate for total increases but at \$2,000 per evaluation, this would impose a substantial cost on the agency. CYFD estimates 98 of its clients could be raised to serious youthful offender status while another 85 could be subject to adult prosecution as youthful offenders. CYFD also reports each 1 percent increase in its secure facility population costs \$337.5 thousand annually. Eight additional beds requires an initial facility investment plus an additional \$1.5 million annually. It is important to note LFC has found placement in a CYFD secure facility costs approximately 23 times more than community supervision.

Currently, four juvenile detention centers are operated in New Mexico by Bernalillo, Doña Ana, Lea, and San Juan counties. These facilities are county-operated but some have received state funding in the past, most recently from state funding for recruitment of detention officers. HB125 would likely increase the number of youth detained in these facilities, creating a risk of potentially exceeding the capacity. The LFC's *Policy Spotlight: Juvenile Justice* notes the populations at county juvenile detention centers are below total bed capacity. However, this distribution is uneven, and in FY24 Bernalillo County was at 77 percent of its total capacity on an average day. A significant increase to the number of detainees in county juvenile detention centers could overwhelm capacity and require a substantial appropriation.

## SIGNIFICANT ISSUES

The Delinquency Act creates three tiers for juvenile offenses:

- “Delinquent acts,” which are prosecuted and punished exclusively as a juvenile;
- “Youthful offender,” which are prosecuted as a juvenile and may incur adult sanctions

only after adjudication and after assessing the juvenile’s “amenability to treatment”; and • “Serious youthful offender,” which triggers automatic adult prosecution and sentencing.

LOPD notes the charges to be upgraded from youthful offender to serious youthful offender status are already subject to a possible adult sentence. Judges weigh the defendant’s amenability to treatment before determining a sentence, and this process is especially important for juvenile defendants.

New Mexico Sentencing Commission (NMSC) provides:

These changes to the scope of who might be considered a serious youthful offender or a youthful offender could have wide-ranging impacts in the juvenile detention system. For perspective, in FY24 there were 313 cases adjudicated that were committed by those under the age of 18 on the offense date, containing offenses included in the definition of a youthful offender. After removing duplicates, this represents 294 unique offenders. For serious youthful offenders, in FY24 there were 19 juveniles with cases adjudicated with a lead offense of first-degree murder (who were between the ages of 14 and 18 on the offense date). Four of these had a conviction for the offense, and the remaining 15 were dismissed. Under the provisions of HB125, a large number of these youthful offender cases would shift to the serious youthful offender status.

CYFD reports there are only two qualified forensic evaluators in the state capable of determining competency and amenability to treatment. There may be delays in case processing due to a lack of qualified evaluators.

CYFD also notes the new delinquent offenses related to cannabis use would not apply to children participating in the medical cannabis program.

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

Relates to House Bill 105, which would extend CYFD commitment for certain individuals from 21 to 25 years of age.

## **TECHNICAL ISSUES**

The Administrative Office of the Courts (AOC) notes:

House Bill 125 amends the list of crimes and events for which a child can be charged as a “youthful offender,” which includes the addition of new Subsection 32A-2-3(K)(1)(o) that states, “(o) an offense enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection N of Section 33-2-34 NMSA 1978 that is not a serious youthful offender offense as described in his section and that was committed with a firearm; or.” Section 33-2-24 NMSA 1978 is a section of Article 2, State Correctional Facilities of Chapter 33, Correctional Institutions, which is neither part of the Children’s Code (Chapter 32) nor the Criminal Code (Chapter 30). It will be far less confusing if the intended offenses are listed in Section 32A-2-3.

## **OTHER SUBSTANTIVE ISSUES**

AOC provides:

House Bill 125 makes cannabis-related offenses delinquent acts and groups them in the same subsection as alcohol-related offenses. Thus, actions taken by a child involving cannabis subjects the child undertaking the actions, and their parents, to the provisions of the Delinquency Act, which could include inquiries, detention, court hearings, trials, probation, and even possibly commitments. Section 26-2C-30 NMSA 1978, titled “unlawful possession of cannabis; penalties,” states in Subsection A, “A person who violates this subsection is guilty of a civil violation.” Alternatively, possession of alcohol by a minor, also considered a delinquent act and found in Section 60-7B-1 NMSA 1978, is a criminal offense punishable as a misdemeanor. Trafficking cannabis, also in current law as a delinquent act and found in Section 26-2C-28 NMSA 1978, is a criminal offense as well. Therefore, HB 125 seeks to criminalize offenses for children that would only be civil penalties for adults under the age of 21.

HJ/hg/sgs